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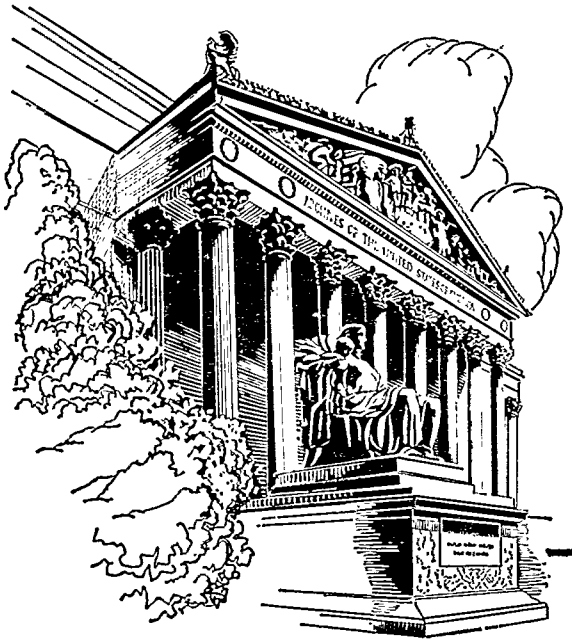

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3968

VOLUNTEERS OF AMERICA WEEK

By the President of the United States of America

A Proclamation

For more than seventy years, the Volunteers of America has served God by helping man. To honor the admirable work of this organization which has helped to place hope in countless human hearts, and to encourage continued support of its programs, the Congress, by House Joint Resolution 10, has requested the President to issue a proclamation designating the second week of March 1970 as Volunteers of America Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby so designate the second week of March 1970.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 70-2862; Filed, Mar. 5, 1970; 2:29 p.m.]

Executive Order 11514

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91–190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

SEC. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more

effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

SEC. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91–190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91–190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "(hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

Richard Nixon

THE WHITE HOUSE,
March 5, 1970.

[F.R. Doc. 70-2861; Filed, Mar. 5, 1970; 2:29 p.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 12—PUBLICATION SCHEDULES

Emergency Schedule

The Emergency Schedule (Schedule 1) is designed to meet the need for the fastest possible publication in the FEDERAL REGISTER of a document necessary to the prevention, alleviation, control, or relief of an actual emergency situation.

The language of § 12.7, as issued in 1965, places undue emphasis on the time of receipt of a document and does not afford sufficient flexibility of action.

Effective on publication in the FEDERAL REGISTER, § 12.7 is revised to read as follows:

§ 12.7 Timing.

Documents assigned to Schedule 1 shall be published as soon as practicable.

(44 U.S.C. 1506. Sec. 6(b), E.O. 10530, 3 CFR 1954–1958 Comp.)

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,

JAMES B. RHOADS,
Archivist of the United States, Chairman.

JAMES L. HARRISON,
The Public Printer, Member.

MARY O. EASTWOOD,
Representative of the Attorney General, Member.

Approved:

JOHN N. MITCHELL,
Attorney General.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-2887; Filed, Mar. 6, 1970; 9:03 a.m.]

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE "FEDERAL REGISTER"

Appendix B is amended by adding thereto the list of acts enacted in 1969 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1969

Student Loans	83 Stat. 142; 20 U.S.C. 1078a.
Hazardous Toys	83 Stat. 187; 15 U.S.C. 1262.
Endangered Fish and Wildlife.	83 Stat. 275; 16 U.S.C. 668cc–3.
Coal Mine Health and Safety.	83 Stat. 746, 747, 760, 793, 795, 796; 30 U.S.C. 811, 842, 921, 931, 932.
Tax on Foreign Organizations.	83 Stat. 519; 26 U.S.C. 4948.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Special Assistant for Regional Economic Coordination, excepted under Schedule C, is revoked and that the position of Assistant to the Secretary for Policy Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3314 is amended by revoking subparagraph (15) and adding a new subparagraph (19) as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(15) [Revoked]

* * * * *

(19) Assistant to the Secretary for Policy Development.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2811; Filed, Mar. 6, 1970; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Confidential Assistant to the Chairman, Citizens' Advisory Council on the Status of Women, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (19) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(19) One Confidential Assistant to the Chairman, Citizens' Advisory Council on the Status of Women.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2812; Filed, Mar. 6, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Special Assistant to the Executive Secretary (interdepartmental activities) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added under paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(11) One Special Assistant to the Executive Secretary (interdepartmental activities).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners

[F.R. Doc. 70-2813; Filed, Mar. 6, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two positions of Program Assistants engaged in the interdepartmental activities of the Department are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (29) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(29) Two Program Assistants for interdepartmental activities.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2808; Filed, Mar. 6, 1970; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Federal Trade Commission

Section 213.3334 is amended to show that the position of Director of Information is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3334 as set out below.

§ 213.3334 Federal Trade Commission.

* * * * *

(b) Director of Information.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–2876; Filed, Mar. 6, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[842.2, Supp. 12]

PART 842—BEET SUGAR AREA

Approved Local Areas for the 1968 Crop

§ 842.14 Approved local areas for the 1968 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1968 crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in each such county or local producing area below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) *Arizona.*

ENTIRE COUNTIES

Cochise. Maricopa.
Graham. Pima.
Greenlee.

(b) *California.*

ENTIRE COUNTIES

Fresno. Sacramento.
Imperial. San Joaquin.
Kings. San Luis Obispo.
Merced. Santa Cruz.
Orange. Solano.
Riverside.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Butte: Area 1; Area 2.
Colusa: Area 1.
Kern: Area 2; T. 26 S., R. 54 W.
Madera: Area 5.
Monterey: Area 1; Area 7; T. 18 S., R. 6 E.
Santa Barbara: Area 1; Area 2.
Yolo: Area 1; Area 2; Area 4; Area 5; Area 6; Area 7.

(c) *Colorado.*

ENTIRE COUNTIES

Adams. Logan.
Baca. Mesa.
Bent. Montrose.
Cheyenne. Morgan.
Crowley. Prowers.
Delta. Pueblo.
Kiowa. Weld.
Kit Carson. Yuma.
Larimer.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Otero: Area 1.
Sedgwick: Area 1.

(d) *Idaho.*

ENTIRE COUNTIES

Ada. Gooding.
Bannock. Jefferson.
Bingham. Jerome.
Bonneville. Lincoln.
Canyon. Madison.
Caribou. Minidoka.
Cassia. Owyhee.
Elmore. Payette.
Franklin. Power.
Fremont. Twin Falls.
Gem. Washington.

(e) *Iowa.*

ENTIRE COUNTY

Franklin.

(f) *Kansas.*

ENTIRE COUNTIES

Cheyenne. Rawlins.
Finney. Sherman.
Grant. Stanton.
Haskell. Wallace.
Kearny.

(g) *Maine.*

ENTIRE COUNTIES

Aroostook. Penobscot.
Cumberland. Piscataquis.
Franklin. Sagadahoc.
Hancock. Somerset.
Oxford.

(h) *Michigan.*

ENTIRE COUNTIES

Arenac. St. Clair.
Clinton. Sanilac.
Lapeer. Shiawassee.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Gratiot: Area 3; Area 4; North Shade.
Lenawee: Area 2.
Midland: Mount Haley.
Monroe: Area 3; Erie.
Saginaw: Area 2; Area 5; Richland; Thomas.
Tuscola: Novesta.

(i) *Minnesota.*

ENTIRE COUNTIES

Clay. West Polk.
Faribault. Redwood.
Freeborn. Waseca.
Marshall.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Kittson: Area 1; Area 3.
Norman: Area 2; Halstad.
Renville: Area 1.
Wilkin: Deerhorn.

(j) *Montana.*

ENTIRE COUNTIES

Big Horn. Ravalli.
Broadwater. Stillwater.
Carbon. Treasure.
Prairie. Yellowstone.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Custer: Area 1.
Dawson: Area 2.
Richland: Area 4; Area 5.
Rosebud: Area 1.

(k) *Nebraska.*

ENTIRE COUNTIES

Box Butte. Dundy.
Burt. Keith.
Chase. Morrill.
Cheyenne. Phelps.
Dawson. Red Willow.
Deuel. Sioux.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS

Scotts Bluff: Area 2; Area 3; T. 21 N., T. 54 W.; T. 22 N., R. 54 W.; T. 22 N., R. 57 W.; T. 23 N., R. 58 W.

(l) *New Mexico.*

ENTIRE COUNTIES

Grant. Hidalgo.

INDIVIDUAL LOCAL PRODUCING AREA

COUNTY AND AREA

Curry: Area 2.

(m) *New York.*

ENTIRE COUNTIES

Cayuga. Ontario.
Livingston. Orleans.
Onondaga.

(n) *North Dakota.*

ENTIRE COUNTIES

McKenzie. Pembina.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Cass: Area 1; Area 2; Area 4.
Grandforks: Turtle River; Ferry.
Traill: Area 3.
Walsh: Farmington.

(o) *Ohio.*

ENTIRE COUNTIES

Fulton. Henry.
Hardin.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Erie: Area 2.
Ottawa: Area 1, Benton; Clay.
Putnam: Area 1; Van Buren.
Seneca: Area 1; Area 2.
Wood: Area 1, Area 2; Area 4; Area 5; Lake; Freedom; Perrysburg.

(p) *Oregon.*

ENTIRE COUNTY

Malheur.

(q) *Texas.*

ENTIRE COUNTIES

Castro. Oldham.
Deaf Smith. Randall.
Floyd. Sherman.
Moore.

(r) *Utah.*

ENTIRE COUNTIES

Cache.	Sevier.
Davis.	Utah.
Iron.	Weber.
Sanpete.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS

Box Elder: Area 1; Community C; Community E.

(s) *Washington.*

ENTIRE COUNTIES

Adams.	Grant.
Benton.	Walla Walla.
Franklin.	Yakima.

(t) *Wyoming.*

ENTIRE COUNTIES

Big Horn.	Laramie.
Converse.	Platte.
Fremont.	Niobrara.
Goshen.	

Statement of bases and considerations. One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the county Agricultural Stabilization and Conservation Committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1968 crop of sugar beets and that any sugar beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Secs. 303, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C. on March 3, 1970.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 70-2828; Filed, Mar. 6, 1970; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 198; Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.498 (Navel Orange Reg. 198, 35 F.R. 3749) are hereby amended to read as follows:

§ 907.498 Navel Orange Regulation 198.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,067,000 cartons;

(ii) District 2: 270,000 cartons;

(iii) District 3: 13,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 4, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2829; Filed, Mar. 6, 1970; 8:49 a.m.]

[Lemon Reg. 417]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.717 Lemon Regulation 417.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administration Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 3, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 8, 1970, through March 14, 1970, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 199,950;

(iii) District 3: unlimited movement.

(2) As used in this section; "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2851; Filed, Mar. 6, 1970; 8:49 a.m.]

[Grapefruit Reg. 73]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.373 Grapefruit Regulation 73.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 9, 1970, through March 15, 1970, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2892; Filed, Mar. 6, 1970; 11:12 a.m.]

[Grapefruit Reg. 38]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.338 Grapefruit Regulation 38.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913; 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 9, 1970, through March 15, 1970, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2893; Filed, Mar. 6, 1970; 11:12 a.m.]

[946.324, Amdt. 1]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment, as hereinafter set forth, to the Limitation of Shipments Regulation, § 946.324 (34 F.R. 11550) is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second sess. (Feb. 20, 1970)) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraphs (c) and (g) of the Limitation of Shipments, § 946.324 (34 F.R. 11550) are hereby amended to read as follows:

§ 946.324 Limitation of shipments.

* * * * *

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and

maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Prepeeling; or
(5) Canning, freezing, and "other processing" as hereinafter defined:

Provided, That shipments of potatoes for the purposes specified in subparagraph (5) of this paragraph shall be exempt from inspection requirements specified in § 946.53 and from assessment requirements specified in § 946.41.

* * * * *

(g) *Definitions.* The terms "U.S. No. 2, "fairly clean," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 4, 1970, to become effective immediately.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–2831; Filed, Mar. 6, 1970; 8:49 a.m.]

[947.328, Amdt. 4]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment to the Limitation of Shipments Regulation, § 947.328 as hereinafter set forth is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second session, S. 1 (Feb. 20, 1970)) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraphs (c), (d), and paragraph (h) of Limitation of Shipments, § 947.328, as amended (34 F.R. 11136; 17161; 18171; 35 F.R. 2766) are further amended to read as follows:

§ 947.328 Limitation of shipments.

* * * * *

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the comittee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Canning, freezing, and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purposes specified pursuant to this subparagraph shall be exempt from inspection requirements specified in § 947.60 and from assessment requirements specified in § 947.42.

(5) Export: *Provided,* That all shipments of potatoes for the purpose specified pursuant to this subparagraph shall be 1¾ to 2¼ inches in diameter and U.S. No. 1 grade or better.

(6) Prepeeling: *Provided,* That shipments of potatoes for the purposes specified pursuant to this subparagraph shall be at least 1¾ inches in diameter and "U.S. No. 2 Potatoes for Processing" grade or better.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (4) through (6) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2) (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments,

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing: *Provided,* That such requirements of this subparagraph shall not be applicable to shipments of potatoes for starch.

* * * * *

(h) *Definitions.* (1) The terms "U.S. No. 1," "U.S. No. 2," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "U.S. No. 2 Potatoes for Processing" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes for Processing (§§ 51.3410–51.3424 of this title), including the tolerances set forth therein.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422, U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 4, 1970, to become effective immediately.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–2830; Filed, Mar. 6, 1970; 8:49 a.m.]

[948.360, Amdt. 1; Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment to the Limitation of Shipments Regulation for Area No. 3, § 948.360, as hereinafter set forth is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second session, S. 1 (Feb. 20, 1970)) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraphs (d) and (h) of the Limitation of Shipments, § 948.360 (34 F.R. 11261) are hereby amended to read as follows:

§ 948.360 Limitation of shipments.

* * * * *

(d) *Special purpose shipments.* (1) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(3) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

* * * * * *

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 4, 1970, to become effective immediately.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–2832; Filed, Mar. 6, 1970; 8:49 a.m.]

[948.361, Amdt. 1; Area No. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment to the Limitation of Shipments Regulation for Area No. 1, § 948.361, as hereinafter set forth, is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second session, S. 1 (Feb. 20, 1970)) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraphs (b) and (e) of the Limitation of Shipments, § 948.361 (34 F.R. 14065) are hereby amended to read as follows:

§ 948.361 Limitation of shipments.

* * * * *

(b) *Special purpose shipments.* (1) The quality requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The quality requirements of paragraph (a) of this section shall not be applicable to shipments of potatoes for seed as defined in § 948.6 but any lot of potatoes handled for seed shall be subject to assessment.

* * * * *

(e) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," and "Size B" have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 4, 1970, to become effective immediately.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–2834; Filed, Mar. 6, 1970; 8:49 a.m.]

[948.362, Amdt. 1; Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment to the Limitation of Shipments Regulation for Area No. 2, § 948.362, as hereinafter set forth is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second session, S. 1 (Feb. 20, 1970)) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraph (c), subparagraph (1) of paragraph (f) and paragraph (g) of the Limitation of Shipments, § 948.362 (34 F.R. 14575), are hereby amended to read as follows:

§ 948.362 Limitation of shipments.

* * * * *

(c) *Special purpose shipments.* The grade and size requirements of paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(1) Livestock feed;
(2) Relief or charity;
(3) Seed pursuant to § 948.6; or
(4) Canning, freezing, and "other processing" as hereinafter defined.

* * * * *

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

* * * * *

(g) *Definitions.* The terms "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the comodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Dated March 4, 1970, to become effective immediately.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–2833; Filed, Mar. 6, 1970; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 161—CONTROL OF TRAFFIC AT NEVADA TEST SITE

The Manager of the Nevada Operations Office of the Atomic Energy Commission has adopted the following regulations pursuant to the authority delegated to him by the Commission to issue regulations for the control of traffic at the Nevada Test Site (34 F.R. 5427). This authority was delegated to the Commission by the Administrator, General Services Administration, by Federal Property Management Regulation T.R. D–11, dated February 4, 1969 (34 F.R. 1997).

Because this regulation relates to the management of Federal property, general notice of proposed rule making and public procedure thereon are not required by statute. Furthermore, the Manager, Nevada Operations Office, has found that good cause exists why the regulation should be made effective immediately. However, members of the public are invited to submit any comments and suggestions they may have concerning the regulations to the Manager, Nevada Operations Office, Las Vegas, Nev.

Effective on publication in the FEDERAL REGISTER, Chapter I of Title 10 of the Code of Federal Regulations is amended by adding a new Part 161, reading as set forth below.

For the U.S. Atomic Energy Commission.

ROBERT E. MILLER,
Manager, Nevada Operations Office.

Sec.
161.1 Purpose.
161.2 Scope.
161.3 Definitions.
161.4 Use of site streets.
161.5 Penalties.
161.6 Posting and distribution.
161.7 Applicability of other laws.

AUTHORITY: The provisions of this Part 161 issued under 62 Stat. 281, as amended; sec. 103, 63 Stat. 380, as amended, sec. 205, 63 Stat. 389; sec. 161, 68 Stat. 948, as amended, sec. 1, 81 Stat. 54; 40 U.S.C. 318; 42 U.S.C. 2201; 5 U.S.C. 552; Federal Property Management Regulations T.R. D–11, 34 F.R. 1997, and Delegation of Authority to Manager, Nevada Operations Office, 10 CFR 1.208, 34 F.R. 5427.

§ 161.1 Purpose.

The regulations in this part are designed to facilitate the control of traffic at the Nevada Test Site.

§ 161.2 Scope.

This part applies to all persons who use the streets of the Nevada Test Site.

§ 161.3 Definitions.

As used in this part:

(a) "Nevada Test Site" means the Atomic Energy Commission's Nevada Test Site, including the Nuclear Rocket Development Station, located in Nye County, Nev. A perimeter description is attached as Appendix A to this part.

(b) "Nevada Test Site Traffic Regulations" means the traffic directives promulgated by the Manager of the Nevada Operations Office pursuant to § 161.4.

(c) "Person" means every natural person, firm, trust partnership, association or corporation.

(d) "Street" means the entire width between the boundary lines of every way when any part thereof is open to the use of those admitted to the Nevada Test Site for purposes of vehicular travel.

(e) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any roadway for purposes of travel.

(f) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

§ 161.4 Use of site streets.

All persons using the streets of the Nevada Test Site shall do so in a careful and safe manner.

(a) The Nevada Test Site Traffic Regulations supplement this section by identifiying the specific traffic requirements relating to such matters as:

(1) Enforcement and obedience to Traffic Regulations, including the authority of police officers, required obedience to police officers and traffic regulations, and responsibility to report accidents.

(2) Traffic signs, signals, and markings, including required compliance with traffic lanes and traffic control devices, and prohibitions on display of unauthorized traffic signs, signals, or marking or interference with authorized traffic control devices.

(3) Speeding or driving under the influence of intoxicating liquor or drugs,

including prohibitions on reckless driving, and promulgation of maximum permissible speeds.

(4) Turning movements, including required position and method of turning at intersections, limitations on turning around, and obedience to turning markers and no-turn signs.

(5) Stopping and yielding, including obedience to stop and yield signs, requirements when entering stop or yield intersections, emerging from alleys, driveways, or buildings, operation of vehicles on approach of authorized emergency vehicles and stops when traffic is obstructed.

(6) Pedestrians' rights and duties, including pedestrian's right-of-way in crosswalks, when a pedestrian must yield, required use of right half of crosswalks, and requirements concerning walking along roadways and prohibited pedestrian crossings.

(7) Parking, stopping, and standing, specifying when parking, stopping, and standing are prohibited, including special provisions applicable to buses, requirements that parking not obstruct traffic and be close to curb, and concerning lamps on parked vehicles.

(8) Privileges of drivers of authorized emergency vehicles, including exemptions from parking and standing, stopping, speeding and turning limitations, under specified circumstances and within specified limitations.

(9) Miscellaneous driving rules, including requirements for convoys, and limitations on backing, opening and closing vehicle doors, following fire apparatus, crossing a fire hose, driving through a safety zone, through convoys, on sidewalks or shoulders of roadways, boarding or alighting from vehicles, passing a bus on the right, and unlawful riding.

(b) The Nevada Test Site Traffic Regulations, when posted and distributed as specified in § 161.6, shall have the same force and effect as if made a part hereof.

§ 161.5 Penalties.

Any person doing any act forbidden or failing to do any act required by the Nevada Test Site Traffic Regulations shall, upon conviction, be punishable by a fine of not more than $50 or imprisonment for not more than 30 days, or both.

§ 161.6 Posting and distribution.

Notices including the provisions of the Nevada Test Site Traffic Regulations will be conspicuously posted at the Nevada Test Site. Such other distribution of the Nevada Test Site Regulations will be made by the Manager as will provide reasonable assurance of notice to persons subject to the regulations.

§ 161.7 Applicability of other laws.

Nothing in this part shall be construed to affect the applicability of the provisions of State laws or of other Federal laws.

APPENDIX A

PERIMETER DESCRIPTION OF THE ATOMIC ENERGY COMMISSION'S NEVADA TEST SITE IN THE STATE OF NEVADA

The Nevada Test Site, containing approximately 858,764 acres located in Nye County, Nev., is described as follows:

Beginning at the northwesterly corner of the tract of land hereinafter described, said corner being at latitude 37°20'45", longitude 116°34'20";
Thence easterly approximately 6.73 miles, to a point at latitude 37°20'45", longitude 116°27'00";
Thence northeasterly approximately 4.94 miles to a point at latitude 37°23'07", longitude 116°22'30";
Thence easterly approximately 4.81 miles to a point at latitude 37°23'07", longitude 116°17'15";
Thence southeasterly approximately 6.77 miles to a point at latitude 37°19'47", longitude 116°11'10";
Thence southerly approximately 5.27 miles to a point at latitude 37°15'12.043", longitude 116°11'10";
Thence easterly approximately 14.21 miles to a point at latitude 37°15'07.268", longitude 115°55'42.268";
Thence southerly approximately 39.52 miles to a point at latitude 36°40'43.752", longitude 115°55'37.687";
Thence westerly approximately 2.87 miles to a point at latitude 36°40'40.227", longitude 115°58'43.956";
Thence southerly approximately 5.23 miles to a point at latitude 36°36'07.317", longitude 115°58'41.227";
Thence southwesterly along a perimeter distance approximately 5.82 miles to a point at latitude 36°34'39.754", longitude 116°-04'11.167";
Thence northerly approximately 3.20 miles to a point at latitude 36°37'26.804", longitude 116°04'11.355";
Thence northwesterly approximately 5.16 miles to a point at latitude 36°40'28.854", longitude 116°04'17.749";
Thence westerly approximately 8.63 miles to a point at latitude 36°40'23.246", longitude 116°17'37.466";
Thence southerly approximately 0.19 mile to a point at latitude 36°40'13.330", longitude 116°17'36.461";
Thence westerly approximately 8.49 miles to a point at latitude 36°40'13.666", longitude 116°26'47.915";
Thence northerly approximately 32.87 miles to a point at latitude 37°08'50", longitude 116°26'44.125";
Thence northwesterly approximately 15.37 miles to a point at latitude 37°20'45", longitude 116°34'20", the point of beginning herein.

[F.R. Doc. 70-2801; Filed, Mar. 6, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Transition Area, Reporting Point, and Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Crossville, Tenn., control zone, transition area and domestic low altitude reporting point, and VOR Federal Airways Nos. 16, 51, and 333.

The Crossville control zone is described in § 71.171 (35 F.R. 2054), the transition area is described in § 71.181 (35 F.R. 2134), the domestic low altitude reporting point is described in § 71.203 (35 F.R. 2292), and VOR Federal Airways are described in § 71.123 (35 F.R. 2009). In each of the descriptions, reference is made to either "Crossville VORTAC," "Crossville, Tenn.," or "Crossville." Since the name of the Crossville VORTAC will be changed to "Hinch Mountain VOR TAC," it is necessary to alter the descriptions of the control zone, transition area, reporting point and Federal airways to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Crossville, Tenn., control zone is amended as follows: "* * * Crossville VORTAC * * *" is deleted and "* * * Hinch Mountain VORTAC * * *" is substituted therefor.

In § 71.181 (35 F.R. 2134), the Crossville, Tenn., transition area is amended as follows: "* * * Crossville VORTAC * * *" is deleted and "* * * Hinch Mountain VORTAC * * *" is substituted therefor.

In § 71.203 (35 F.R. 2292), the Crossville, Tenn., domestic low altitude reporting point is amended as follows: " * * * Crossville, Tenn. * * *." is deleted and " * * * Hinch Mountain, Tenn. * * *." is substituted therefor.

In § 71.123 (35 F.R. 2009), VOR Federal Airways Nos. 16, 51, and 333 are amended as follows: " * * * Crossville * * * " is deleted and " * * * Hinch Mountain * * * " is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 24, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2777; Filed, Mar. 6, 1970; 8:45 a.m.]

[Airspace Docket No. 70-OE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Ionia, Mich.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups.

TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Ionia, Mich., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 30, 1970, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

IONIA, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-2778; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-150]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 987), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Mobile, Ala. (Bates Field), control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Mobile, Ala. (Bates Field), control zone is amended to read:

MOBILE, ALA. (BATES FIELD)

Within a 5-mile radius of Bates Field (lat. 30°41'17.7" N., long. 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

In § 71.181 (35 F.R. 2134), the Mobile, Ala., transition area is amended to read:

MOBILE, ALA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (lat. 30°41'17.7" N., long. 88°14'26.6" W.); within an 8.5-mile radius of Brookley Field (lat. 30°37'08.5" N., long. 88°03'57.2" W.); within 3 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (lat. 30°27'50" N., long. 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Brookley Field 8.5-mile radius area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 25, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2779; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-155]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 989), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Centerville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Centerville, Tenn., transition area is amended to read:

CENTERVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (lat. 35°50'15" N., long. 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 25, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2780; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Reporting Point, and Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Asheville, N.C., transition area and domestic low altitude reporting point, and VOR Federal Airways Nos. 35, 53, 185, 222, and 296.

The Asheville transition area is described in § 71.181 (35 F.R. 2134), the domestic low altitude reporting point is described in § 71.203 (35 F.R. 2292), and the VOR Federal Airways are described in § 71.123 (35 F.R. 2009). In each of the descriptions, reference is made to either "Asheville VORTAC," "Asheville, N.C.," or "Asheville." Since the name of the Asheville VORTAC will be changed to "Sugarloaf Mountain VORTAC," it is necessary to alter the descriptions of the transition area, reporting point, and Federal airways to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Asheville, N.C., transition area is amended as follows: "* * * Asheville VORTAC * * *" is deleted and "* * * Sugarloaf Mountain VORTAC * * *" is substituted therefor.

In § 71.203 (35 F.R. 2292), the Asheville, N.C., domestic low altitude reporting point is amended as follows: "* * * Asheville, N.C. * * *." is deleted and "* * * Sugarloaf Mountain, N.C. * * *." is substituted therefor.

In § 71.123 (35 F.R. 2009), VOR Federal Airways Nos. 35, 53, 185, 222, and 296 are amended as follows: "* * * Asheville * * *" is deleted and "* * * Sugarloaf Mountain * * *" is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 24, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2781; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On January 17, 1970, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R.

632), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area and revoke the Gallatin, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by Colemill Enterprises, Inc., operator of Cornelia Fort Airpark, which is located approximately 4.2 nautical miles north of Nashville Metropolitan Airport.

Colemill Enterprises, Inc., objected to the proposal to include Cornelia Fort Airpark in the Nashville control zone, on a full-time basis, because it would adversely affect aircraft operations, particularly when visibility was below 3 miles.

A review of the proposal, in the light of comments received, disclosed that Cornelia Fort Airpark is located adjacent to the final approach segment associated with AL-282 LOC (BC) RWY 20R instrument approach procedure. At this location, current criteria permits a control zone extension of 1 mile each side of the localizer course in lieu of the 3 miles contained in the proposed rule making action.

In view of the foregoing, the proposal to include Cornelia Fort Airpark in the Nashville control zone is no longer required and is hereby withdrawn. This withdrawal will result in a reduction in controlled airspace designations. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the control zone description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Nashville, Tenn., control zone is amended to read:

NASHVILLE, TENN.

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'58" W.); within 1 mile each side, expanding in width to 3 miles each side of Nashville ILS localizer north course, extending from the 5-mile radius zone to 8.5 miles north of Nashville VORTAC 344° radial; within 1.5 miles each side of Nashville ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Nashville VOTAC 315° radial, extending from the 5-mile radius zone to the VORTAC; excluding the portion within a 1-mile radius of Cornelia Fort Airpark Monday through Friday, except Federal legal holidays.

In § 71.181 (35 F.R. 2134), the Nashville, Tenn., transition area is amended to read:

NASHVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°-07'36" N., long. 86°40'58" W.); within 9.5 miles east and 4.5 miles west of Nashville ILS localizer north course, extending from the 14-mile radius area to 18.5 miles north of Nashville VORTAC 344° radial; within 9.5 miles northeast and 4.5 miles southwest of Nashville VORTAC 115° radial, extending from the 14-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles east and 4.5 miles west of Nashville ILS localizer south course, extending from the 14-mile radius area to 18.5 miles south of the LOM; within an 8-mile radius of Gallatin Municipal Airport, Tenn. (lat. 36°22'45" N., long. 86°-24'30" W.); within a 12-mile radius of Sewart Air Force Base (lat. 36°00'27" N., long. 86°31'21" W.); within 8 miles northeast and 5 miles southwest of Sewart AFB ILS localizer southeast course, extending from the 12-mile radius area to 12 miles southeast of Sewart RBN.

In § 71.181 (35 F.R. 2134), the Gallatin, Tenn., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 20, 1970.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 70-2782; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-WE-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 634) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area for Brigham City, Utah.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 30, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 24, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (35 F.R. 2134) the description of the Bingham City, Utah, transition area is amended to read as follows:

BRIGHAM CITY, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188° M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

[F.R. Doc. 70-2783; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-WE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 631) stating that the Federal Aviation Administration was considering amendments to Part 71 of Federal Aviation Regulations that would alter the descriptions of the Burley, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., April 30, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 24, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Burley, Idaho, control zone is amended to read as follows:

BURLEY, IDAHO

Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Burley transition area is amended to read as follows:

BURLEY, IDAHO

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Burley VORTAC 121° radial and extending from 5 miles southeast to 26.5 miles southeast of the VORTAC; within 4 miles each side of the Burley VORTAC 290° radial, extending 10 miles west of the VORTAC; within 3.5 miles each side of the Burley VORTAC 323° radial, extending 7 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles north and 9 miles south of the Burley VORTAC 075° and 255° radials, extending from 18 miles east of the Burley VORTAC to 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR; that airspace southeast of Burley bounded on the north by the south edge of V4, on the south by the south edge of V101 and on the east by an arc of a 33.5-mile radius circle centered on the Burley VORTAC.

[F.R. Doc. 70-2784; Filed, Mar. 6, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-152]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On January 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 988), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Miss., control zone and transition area and revoke the Monroe County, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Columbus, Miss., control zone is amended to read:

COLUMBUS, MISS.

Within a 5-mile radius of Columbus AFB, Miss. (lat. 33°38'38" N., long. 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 1.5 miles southeast of the LOM; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

In 71.181 (35 F.R. 2134), the Columbus, Miss., transition area is amended to read:

COLUMBUS, MISS.

That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (lat. 33°38'38" N., long. 88°26'39" W.); within an 8-mile radius of Monroe County Airport (lat. 33°52'20" N., long. 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (lat. 33°27'52" N., long. 88°20'50" W.); within 3 miles each side of the 179° bearing from Columbus RBN (lat. 33°27'30" N., long. 88°23'00" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the VORTAC to 18.5 miles west.

In § 71.181 (35 F.R. 2134), the Monroe County, Miss., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2823; Filed, Mar. 6, 1970; 8:49 a.m.]

[Airspace Docket No. 69-SO-154]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On January 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 988), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anniston, Ala., control zone and transition area and revoke the Talladega, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Anniston, Ala., control zone is amended to read:

ANNISTON, ALA.

Within a 5-mile radius of Anniston-Calhoun County Airport (lat. 33°35'23" N., long. 85°51'20" W.); within 1.5 miles each side of Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR; within a 1.5-mile radius of Lee Brothers Airport (lat. 33°37'30" N., long. 85°47'20" W).

In § 71.181 (35 F.R. 2134), the Anniston, Ala., transition area is amended to read:

ANNISTON, ALA.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (lat. 33°35'23" N., long. 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (lat. 33°34'07" N., long. 86°03'36" W.); excluding the portion within R-2101.

In § 71.181 (35 F.R. 2134), the Talladega, Ala., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2824; Filed, Mar. 6, 1970; 8:49 a.m.]

[Airspace Docket No. 70-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke the Orogrande, N. Mex., Restricted Area R-5106 and to delete this area from the continental control area.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-5106 is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.51 (35 F.R. 2340) Restricted Area R-5106 Orogrande, N. Mex., is revoked.

2. In § 71.151 (35 F.R. 2043) "R-5106 Orogrande, N. Mex.," is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 2, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-2785; Filed, Mar. 6, 1970; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

SUBCHAPTER A—GENERAL

PART 1—RULES OF PRACTICE IN PATENT CASES

Delegation of Authority to Render Determination of Petitions

Pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), paragraph (g) of § 1.181, of Title 37, Code of Federal Regulations, is hereby revised as set forth below.

The authority to render determinations on various kinds of petitions may appropriately be delegated to officials in the Patent Office other than the Group Directors, the Solicitor and the Law Examiners previously specified under paragraph (g) of § 1.181. This change is in keeping with the reassignment of responsibilities within the Patent Office organization, as set forth in Department Organization Order 30-3B (34 F.R. 19556, December 11, 1969). Since the change imposes no burden on any person, notice and public procedure thereon are deemed unnecessary.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (g) of § 1.181 is revised to read as follows:

§ 1.181 Petition to the Commissioner.

* * * * *

(g) The Commissioner may delegate to appropriate Patent Office officials the determination of petitions under this section, with the exception of petitions under § 1.183.

RICHARD A. WAHL,
Acting Commissioner of Patents.

Approved: March 3, 1970.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 70-2826; Filed, Mar. 6, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Small Business Participation in Research and Development Procurement

This amendment establishes policies and procedures to encourage and expand the participation and selection of small business concerns with respect to performance of Government contracts for research and development procurement.

The table of contents for Part 1-1 is amended by adding the following entries:

Sec.
1-1.712 Small business participation in research and development procurement actions.
1-1.712-1 Publicizing research and development procurement actions to attract small business.
1-1.712-2 Expansion of small business sources for research and development procurement.
1-1.712-3 Selection of small business sources for research and development procurement.

Subpart 1-1.7—Small Business Concerns

Sections 1-1.712, 1-1.712-1, 1-1.712-2, and 1-1.712-3 are added as follows:

§ 1-1.712 Small business participation in research and development procurement actions.

§ 1-1.712-1 Publicizing research and development procurement actions to attract small business.

To the fullest extent practicable, agencies shall publicize proposed research and development procurement contracts through use of the Commerce Business Daily (see § 1-1.1003) sufficiently in advance to allow participation of appropriate small business concerns in such procurements. Agencies shall also consider use of other suitable methods of publicizing research and development requirements to attract small business participation in addition to the use of the Commerce Business Daily.

§ 1-1.712-2 Expansion of small business sources for research and development procurement.

Agencies shall continually search for an develop information as to small business concerns which are competent to perform research and development. The search shall include (a) a review of relevant data or brochures furnished by small business sources seeking research and development work and (b) a cooperative effort by technical personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to such potential sources.

§ 1-1.712-3 Selection of small business sources for research and development procurement.

(a) *Policy.* Agencies shall exercise all reasonable efforts to increase the number of qualified small business sources to perform research and development contracts and shall encourage the participation of small business sources, as well as other sources, in such procurement actions.

(b) *Procedures*—(1) *Development and use of information on small business sources.* Contracting officers, technical personnel, and small business specialists shall cooperatively seek and develop information on the technical competence of small business concerns for research and development contracts. Small business specialists shall regularly bring to the attention of contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research and development work in fields in which the purchasing activity is interested.

(2) *Cooperation with SBA in source selection.* To cooperate with the Small Business Administration (SBA) in carrying out its responsibility of assisting small business concerns to obtain contracts for research and development, contracting officers, technical personnel, and small business specialists shall provide to authorized SBA representatives information necessary to understand the agency's needs concerning research and development programs under consideration for specific future procurement actions. Normally, this information shall be provided to SBA representatives assigned to a purchasing activity, as early as practicable, and shall cover the agency's requirements for each proposed research and development procurement involving the solicitation of proposals exceeding $10,000. To the maximum extent feasible, SBA shall be afforded a minimum of 15 workdays to provide pertinent information concerning qualified potential small business sources developed through its investigation of the capabilities of specific firms in the particular field of research and development covered by such procurements. The 15 workdays afforded SBA to recommend suggested sources may run concurrently with the usual publication notice in the Commerce Business Daily (see § 1-1.1003-3(a)). Full evaluation shall be given to any such information in selecting qualified sources. Sources recommended by SBA for a specific procurement shall be solicited. Exception to the policy of providing SBA a minimum of 15 workdays interval to recommend additional qualified small research and development sources for a proposed procurement will be permitted only in those instances where the head of the purchasing activity, or his designee, advises the SBA representative that such action would result in unjustifiable delay.

Effective date. These regulations are effective May 29, 1970, but may be observed earlier.

Dated: March 2, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-2766; Filed, Mar. 6, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Birmingham Intrastate Region

On December 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19469) to amend Part 81 by designating the Metropolitan Birmingham Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on December 17, 1969. Due consideration has been given to all relevant material presented, with the result that Tuscaloosa County, which was not in the original proposal, has been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.41, as set forth below, designating the Metropolitan Birmingham Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.41 Metropolitan Birmingham Intrastate Air Quality Control Region.

The Metropolitan Birmingham Intrastate Air Quality Control Region (Alabama) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Blount County.	Shelby County.
Jefferson County.	Tuscaloosa County.
St. Clair County.	Walker County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: February 25, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-2681; Filed, Mar. 6, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order 1038]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co. To Unload Certain Cars of Machinery Held at Knoxville and Nashville, Tenn.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 3d day of March 1970.

It appearing, that there is a critical shortage of flatcars throughout the country; that numerous shippers are unable to secure the flatcars required for transportation of their traffic; that certain shippers load substantial numbers of such flatcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at destination awaiting delivery instructions from shipper; that one such car is being held by the Louisville and Nashville Railroad Co. at Knoxville, Tenn.; that two additional such cars are being held by the Louisville and Nashville Railroad Co. at Nashville, Tenn.; that these cars have been held for extended periods of time; that the Louisville and Nashville Railroad Co. has been unable to secure authority from the shipper to place these cars at destination for unloading; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1038 Service Order No. 1038.

(a) Louisville and Nashville Railroad Co. shall unload certain cars of machinery held at Knoxville, Tenn., and at Nashville, Tenn.: The Louisville and Nashville Railroad Co., its agents or employees shall unload the following cars containing machinery:

(1) OTTX 90377 held at Knoxville, Tenn.

(2) SP 580570 and UP 54650 held at Nashville, Tenn.

(b) The Louisville and Nashville Railroad Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., March 15, 1970.

(c) The Louisville and Nashville Railroad Co. shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., March 4, 1970.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., March 15, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2820; Filed, Mar. 6, 1970; 8:48 a.m.]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. MC-77]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Subpart B—Common Carrier Freight Tariffs and Classifications

CONTENTS OF TARIFFS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of February 1970.

Restrictions on service by motor common carriers.

It appearing, that the Commission, by order dated March 12, 1969, instituted this rulemaking proceeding, under authority of 5 U.S.C. 553 and 559 (the Administrative Procedure Act) and sections 204(a)(1), 204(a)(6), 208(a), 212(a), 216, and 217 of the Interstate Commerce Act, to determine whether the proposed regulation, described in that notice, which is designed to reflect essential motor common carrier obligations by forbidding the filing of any tariff restricting the scope of the carriers' authorized operations, or other regulations of similar purport, should be adopted;

It further appearing, that the notice of this proposed rulemaking invited the representations of all interested parties setting forth their views with regard to the proposed rule; and that notice to all interested parties was given through publication of said notice in the FEDERAL REGISTER of April 9, 1969 (34 F.R. 6296 and 6297);

And it further appearing, that various parties submitted their views and suggestions regarding the proposed rule, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That Part 1307 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1307.27(k), reading as follows:

§ 1307.27 Contents of tariffs.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceed such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of subparagraph (1) of this paragraph which do not conform to those requirements shall be brought into conformity therewith on or before June 1, 1970.

(Secs. 204, 208, 216, and 217, 49 Stat. 546, 552, 558, and 560, all as amended; 49 U.S.C. 304, 308, 316, and 317; 5 U.S.C. 553 and 559)

It is further ordered, That this order shall become effective April 17, 1970.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2818; Filed, Mar. 6, 1970; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1065]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the remainder of 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1065.71(g) "except for the months specified below, shall be"; and

2. Paragraphs (h) through (l) of § 1065.71 in their entirety.

Suspension of the takeout-payback plan was requested by the Central States Dairy Cooperative which represents a major portion of the producers associated with the market.

The proposed action would suspend, for 1970, the "takeout-payback" plan for paying producers, which provides for withholding from the pool 8 percent of the adjusted value of producer milk in each of the months of April, May, and June, for distribution to producers during September, October, and November according to their deliveries in these latter months. The purpose of the plan is to reduce the seasonality of milk production for the market. The basis for the request of the cooperative is that the takeout-payback plan may result in a relationship of uniform prices to pay prices of nearby manufacturing plants during the next few months that could be disruptive to milk procurement at regulated plants.

Signed at Washington, D.C., on March 4, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-2827; Filed, Mar. 6, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 10154; Notice 70-9]

AIRPORT TRAFFIC AREAS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 1 of the Federal Aviation Regulations by changing the definition of an airport traffic area to include that airspace up to, but not including an altitude of 3,000 feet above the elevation of the airport. In conjunction with this proposal, Part 91 would be amended so that the change in the size of an airport traffic area would have a minimum effect on VFR cruising altitudes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 8, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Presently, an airport traffic area includes the airspace within 5 statute miles of an airport with a control tower and extends from the surface up to, but not including, 2,000 feet above the surface. The principal purpose of an airport traffic area is to provide a safe environment for the maneuvering and spacing of terminal traffic. This is accomplished, in part, by requiring the pilots of transiting aircraft to avoid the airport traffic area or to contact the control tower for authorization to operate through it. The tower may then be able to provide a traffic advisory service or to prescribe a route which will not interfere with airport traffic.

The 5-mile radius now being used for airport traffic areas has proved to be an adequate lateral limit to encompass traffic pattern operations, but the 2,000-foot vertical limit is insufficient since it often does not protect traffic patterns used for high performance aircraft. These patterns are frequently 2,000 to 2,500 feet above the airport elevation. Also, since the upper limit of an airport traffic area follows the contour of the terrain, a traffic pattern altitude may be partly within and partly outside the airport traffic area. It would be desirable to enlarge the basic airport traffic area to completely contain a 2,500-foot traffic pattern. At the same time, it would be desirable to establish a level and measurable upper limit. Extending airport traffic areas up to, but not including, 3,000 feet above the airport elevation would satisfy both requirements.

In order to make the altitude of 3,000 feet AGL available to overflying traffic, however, an amendment to § 91.109 will be required. Presently, this section provides that traffic operating at or above 3,000 feet above the surface shall maintain an odd or even (depending on the direction of flight) thousand-foot MSL altitude plus 500 feet. The 3,000-foot AGL altitude which would be required in order to overfly the expanded airport traffic area would put an aircraft within the applicability of this section. Three thousand feet AGL would, therefore, not be a usable altitude for transiting traffic unless this level were also, coincidentally, an MSL altitude of 3,500 4,500, 5,500, etc. The additional action, necessary in order to expand airport traffic areas up to but not including 3,000 feet, would be to amend § 91.109 so that that section would apply to altitudes "more than 3,000 feet above the surface." In this way, traffic could overfly an airport traffic area at 3,000 feet AGL. This change to § 91.109 would also make the section conform with the ICAO rule on the subject.

In consideration of the foregoing, it is proposed to amend Parts 1 and 91 of the Federal Aviation Regulations as follows:

1. By amending the definition of "airport traffic area" in § 1.1 to read as follows:

§ 1.1 General definitions.

* * * * *

"Airport traffic area" means, unless otherwise specifically designated in Part 93 of this chapter, that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport at which a control tower is operating, extending from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport.

* * * * *

2. By amending the introductory phrase of § 91.109 to read as follows:

§ 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight at an altitude of more than 3,000 feet

above the surface shall maintain the appropriate altitude prescribed below:

* * * * *

These amendments are proposed under the authority of sections 307 and 313 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 3, 1970.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70-2768; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 69-EA-93]

AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending Docket No. 69-EA-93 which is an airworthiness directive applicable to Pratt & Whitney R-985 type aircraft engines.

Subsequent to the publication of the notice of proposed rule making, it was determined that the proposed replacement pin did not have a better service history than the original pin. It is therefore required that the notice of proposed rule making be revised to require a periodic inspection and replacement at overhaul.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule.

The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to revise Docket No. 69-EA-93 as follows:

1. In application section change "Supplemental Type Certificates Nos. 391 or 398" to "Supplemental Type Certificate No. SE1-391".

2. Revise paragraphs (a) and (b) to read as follows:

(a) Within the next 100 hours time in service after the effective date of this AD and thereafter at intervals of 100 hours time in service inspect and clean the fuel injector filter P/N 580436.

(b) Overhaul the fuel injector P/N 580047 prior to the accumulation of 600 hours time in service. For injectors with more than 550 hours time in service on the effective date of this AD overhaul the injector within the next 50 hours time in service.

3. Delete paragraphs (c) (1) and (2).

4. Redesignate paragraph (d) as (c).

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 24, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-2772; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 70-WE-7-AD]

AIRWORTHINESS DIRECTIVE

Sprague Engineering Accumulator Assemblies P/N A-200-25 and A-200-50

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Sprague Engineering Accumulator Assemblies, P/N A-200-25 and A-200-50, installed on certain civil aircraft. There have been several recent reports of accumulator end cap failures occuring on Boeing Models 707 and 720 type aircraft. The failures are attributed to cyclic fatigue emanating from the threaded portion of the inner cap. There is an explosive separation and end cap fragmentation of the failed portion from the accumulator barrel and a rapid depletion of the hydraulic system fluid and pressure occurs. The explosion introduces a hazard to personnel and equipment; the accumulator breaks away from the mounting clamps causing damage to surrounding structure, plumbing and transmitter instrumentation.

Since this condition is likely to exist or develop in other accumulators of the same design, the proposed airworthiness directive would require replacement of the existing aluminum end caps with steel end caps identical or equivalent to the type described in the Sprague Engineering Modification Bulletin No. 2, dated March 28, 1969, and Sprague Overhaul Instructions with Parts Breakdown, Accumulator Assembly, A-200 Series, dated September 1967, within 3,000 hours time in service after the effective date of this airworthiness directive.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Directives, Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before April 7, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date, for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

SPRAGUE ENGINEERING. Applies to all civil aircraft certificated in all categories including, but not limited to the Boeing Models 707/720/737 aircraft and Convair Model 22 aircraft with the Sprague Engineering Accumulator Assemblies, P/N A-200-25 and A-200-50 installed.

Compliance required within the next 3,000 hours time in service after the effective date of this AD, unless already accomplished.

To prevent hydraulic accumulator end cap failure due to cyclic fatigue and subsequent explosive hazard to personnel, structure and surrounding equipment, as well as loss of hydraulic system fluid and pressure, accomplish the following:

Replace the aluminum end caps on Sprague Accumulator Assemblies, P/N A-200-25 and -50, with steel end caps, Sprague P/N 60257-2 (oil end cap) and P/N 60257-3 (air end cap), in accordance with the instructions of Sprague Engineering Modification Bulletin No. 2, dated March 28, 1969, or later FAA-approved revisions, and Sprague Overhaul Instructions with Parts Breakdown, Accumulator Assembly, A-200 Series, dated September 1967, or an equivalent installation and replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on February 20, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-2774; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-94]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Kearney, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Kearney, Nebr., a new instrument approach procedure has been developed, one approach procedure is being altered and two approach procedures have been canceled. In addition, the criteria for the designation of control zone and transition areas have changed. Accordingly, it is necessary to alter the Kearney control zone and transition area to adequately protect aircraft executing the new and altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

KEARNEY, NEBR.

Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

KEARNEY, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport; and within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 13, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-2770; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on November 20, 1969 (34 F.R. 18468), F.R. Doc. 69-13790, the Federal Aviation Administration proposed to alter the Houghton, Mich., control zone and transition area.

Subsequent to publication of the notice, three VOR instrument approach procedures have been altered. Therefore, it is necessary to issue a supplemental notice of proposed rule making redesignating the Houghton, Mich., control zone and transition area in order to provide adequate airspace protection for aircraft executing the altered VOR instrument approach procedures.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this supplemental notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with the supplemental notice in order to become part of the record for consideration. The proposal contained in this supplemental notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations by altering the Houghton, Mich., control zone and transition area as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

HOUGHTON, MICH.

Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 3 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VOR; and within 3½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone to 10 miles southeast of the VOR; and within 3 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

HOUGHTON, MICH.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial, extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 13, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-2771; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-16]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Baker, Oreg., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division

Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The VOR instrument approach procedure for Baker, Oreg., has recently been reviewed in accordance with the U.S. Standards for Terminal Instrument Procedures (TERPS). As a result, an enlargement of the control zone is necessary and the 700-foot portion of the transition area may be eliminated. These proposed airspace changes are reflected herein.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054), the description of the Baker, Oreg., control zone is amended to read as follows:

BAKER, OREG.

Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Baker, Oreg., transition area is amended to read as follows:

BAKER, OREG.

That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of the V-298.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 26, 1970.

JAMES V. NIELSEN,
Acting Director, Western Region.

[F.R. Doc. 70-2775; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Dothan, Ala., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Dothan control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Dothan Airport (lat. 31°19'10" N., long. 85°27'30" W.).

The Dothan transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (lat. 31°19'10" N., long. 85°27'30" W.); within 3 miles each side of the Dothan VORTAC 156° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; excluding the airspace within a 1.5-mile radius of Headland Municipal Airport (lat. 31°21'45" N., long. 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of the Dothan VORTAC 350° radial.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Dothan terminal area requires the following actions:

Control zone. Revoke the extension predicated on Dothan VORTAC 156° radial.

Transition area. 1. Increase the basic radius circle from 8 to 8.5 miles.

2. Designate an extension predicated on the Dothan VORTAC 156° radial 6 miles in width and 8.5 miles in length.

3. Revoke the exclusion predicated on a 1.5-mile radius of Goldberg AHP and designate, for exclusion, an extension predicated on the Dothan VORTAC 350° radial 3 miles in width and extending to the 8.5-mile basic radius circle.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 24, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-2776; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-164]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bradford, Pa., control zone (35 F.R. 2054) and transition area (35 F.R. 2134).

The U.S. Standard for Terminal Instrument Approach Procedures requires the alteration of the control zone and transition area to provide airspace protection for aircraft executing the instrument approach procedures, including a new ILS RWY 32 instrument approach procedure developed for Bradford Regional Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bradford, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bradford, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 2.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC;

within 3 miles each side of a 315° and a 135° bearing from the Bradford Regional Airport Runway 32 ILS LOM, extending from the 5-mile radius zone to 8 miles southeast of the LOM; within 2 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bradford, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 4.5 miles northeast and 9.5 miles southwest of the Bradford Regional Airport Runway 32 ILS localizer southeast course, extending from the LOM to 18.5 miles southeast of the LOM; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 11-mile radius area to 14 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 24, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-2825; Filed, Mar. 6, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Park Rapids, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Park Rapids, Minn., terminal area, the instrument approach procedure for Park Rapids Municipal Airport has been changed. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Park Rapids transition area to adequately protect aircraft executing the changed approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

PARK RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'55" N., longitude 95°04'20" W.); and within 3 miles each side of the 132° bearing from Park Rapids Municipal Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° and 312° bearings from Park Rapids Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portion north of latitude 47°00'00" N.; and within 5 miles each side of the 307° bearing from Park Rapids Municipal Airport, extending from the airport to 12 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 13, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-2773; Filed, Mar. 6, 1970; 8:45 a.m.]

[14 CFR Part 91]

[Docket No. 10153; Notice 70-8]

FLIGHT PLAN; INFORMATION REQUIRED

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to update flight plan requirements to conform to current changes in airway structures.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before May 8, 1970, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A situation exists in the current airways-jet route structure where some airways join in more than one location. This makes possible a transition from one airway to another in more than one location. FAA computers are programed to reject flight information when differing routing possibilities exist and a point of transition from one airway to another is not included in the flight plan. Should the junction point not be included in the flight plan, an ambiguity can exist in the route with consequent traffic separation problems, confusion and delay.

Section 91.83(a)(5) requires each person filing an IFR or VFR flight plan to include in it the proposed route, cruising altitude (or flight level) and true airspeed at that altitude. It does not in specific language require inclusion of junction points.

In consideration of the foregoing, it is proposed to amend § 91.83 of the Federal Aviation Regulations as follows:

§ 91.83 Flight plan; information required.

(a) * * *

(5) The proposed route (including points of transition if more than one airway or jet route is used), cruising altitude (or flight level), and true airspeed at that altitude.

* * * * *

This amendment is proposed under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 27, 1970.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70-2767; Filed, Mar. 6, 1970; 8:45 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 70-7; Notice 1]

DIRECT FIELDS OF VIEW

Advance Notice of Proposed Rule Making

The Federal Highway Administrator is considering the issuance of a Federal motor vehicle safety standard that would specify performance requirements for the direct fields of view for drivers of passenger cars, multipurpose passenger vehicles, trucks, and buses. The standard may also include new requirements for shade band boundaries and maximum levels of tinting (light transmission levels) of glazing materials for use in those vehicles and in motorcycles, which would supersede the

provisions regarding shade band boundaries and tinting in Motor Vehicle Safety Standard No. 205.

Specifically, the Administrator is considering the establishment of performance requirements for (1) direct fields of view outside the vehicle in all directions to provide adequate visibility for the driver from specified eye reference loci; (2) light transmission characteristics (including maximum levels of tinting) of vehicle glazing materials; and (3) shade band boundaries of vehicle glazing materials. Test procedures to ascertain whether vehicles and glazing materials comply with those requirements are also under consideration.

The direct field of view requirements may be expressed in terms of solid angles of unobstructed visibility or their mathematical equivalents. The eye reference loci may be based upon seating conditions, driver size variations, and other factors. Consideration will be given to the relative importance of the direct fields of view of various locations outside the vehicle. For example, the driver's forward view is expected to be more important from a safety standpoint than his view to the side or the rear.

The new standard will not cover indirect fields of view. Performance requirements for indirect fields of view are included in Federal Motor Vehicle Safety Standard No. 111 (Rearview Mirrors). However, the Administrator will consider the quality of the indirect fields of view when he considers establishing requirements for direct visibility to the rear and sides of the vehicles.

It is anticipated that the standard under consideration will have an effective date of January 1, 1973.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Information and recommendations are particularly invited on:

1. Techniques for describing and measuring direct fields of view.
2. Methods of describing eye reference loci.
3. The possibility of different field of view requirements for passenger cars, multipurpose passenger vehicles, trucks, and buses.
4. Particular visibility problems experienced in different types of vehicles because of vehicular design and styling and techniques that could be used to mitigate or eliminate those problems.
5. Performance criteria with which manufacturers can practicably be required to comply by the anticipated effective date of the standard.
6. Test procedures for measuring performance.

Comments should identify the docket number and must be submitted to the Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. All comments received before the close of business on July 6, 1970, will be considered by the Administrator. All comments will be available in the docket for examination both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator at 49 CFR 1.4(c).

Issued on February 25, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-2788; Filed, Mar. 6, 1970; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-43; Notice 70-4]

TRANSPORTATION OF HAZARDOUS MATERIALS

Oil Well Cartridges

The Hazardous Materials Regulations Board is considering amending § 173.100 (v) of the Department's Hazardous Materials Regulations to authorize an increase in the propellant powder grain content of oil well cartridges.

This proposal is based on a petition for rule making submitted by the Bureau of Explosives to amend § 173.100(v). In its petition, the Bureau stated the proposed change would be consistent with the level of safety generally applicable to class C explosives and particularly would be consistent with § 173.100(b)(3) which authorizes up to 500 grains of propellant powder for blank cartridges, starter cartridges, etc., when packaged in a specified manner.

On March 17, 1969, tests were conducted by the Bureau of Explosives on sample oil well cartridges containing 350 grains of propellant powder. Tests revealed that a sample cartridge was stable when maintained at 75° C. for 48 hours. Two units were placed in a sawdust-kerosene fire and burned without explosion. On August 27, 1969, a series of tests were witnessed by a representative of the Bureau of Explosives. The first test demonstrated that the detonation of one cartridge in a package did not cause additional detonations of other cartridges in the same package. The test was repeated successfully three times. A second test was made similar to the first except that three boxes were placed together, two side by side with one placed on top. One cartridge was detonated in one of the lower boxes. There was no sympathetic detonation of other cartridges in the same box or in the two adjacent boxes. A third test demonstrated the ability of the cartridges to withstand direct fire exposure without detonation. The three boxes tested were all completely consumed in a fire. Many of the cartridge cases melted. No detonations were heard during the burning nor was there any physical evidence of detonations following the fire.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 12, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend Title 49, Code of Federal Regulations, as follows:

In § 173.100 paragraph (v) would be amended to read as follows:

§ 173.100 Definition of Class C explosives.

* * * * *

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C. on March 3, 1970.

J. B. MCCARTY, Jr.,
Captain, U.S. Coast Guard, By direction of Commandant, U.S. Coast Guard.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Federal Highway Administrator.

SAM SCHNEIDER,
Board Member, For the Federal Aviation Administration.

[F.R. Doc. 70-2786; Filed, Mar. 6, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 22216]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 25, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Wyoming 22216, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands to allow for their full development and use as recreation sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

The Department's regulations 43 CFR 2311.1–3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIGHORN NATIONAL FOREST

Little Goose Campground

T. 53 N., R. 85 W.,
Sec. 5, W½NW¼SW¼SE¼, SW¼SW¼NW¼SE¼, SE¼SE¼NE¼SW¼, and E½NE¼SE¼SW¼.

East Fork Campground

T. 53 N., R. 86 W.,
Sec. 3, W½E½SE¼NW¼, E½W½SE¼NW¼, W½SW¼SE¼NW¼, E½SE¼SW¼NW¼, E½NE¼NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, W½NW¼SE¼SW¼, W½W½NE¼SW¼, and NE¼NW¼NE¼SW¼.

Cross Creek Campground

T. 53 N., R. 86 W.,
Sec. 21, SE¼SE¼;
Sec. 22, W½SW¼SW¼;
Sec. 28, N½N½NE¼NE¼.

Coffeen Park Campground

T. 53 N., R. 86 W.,
Sec. 32, SW¼NW¼SE¼, E½SE¼NE¼SW¼, E½NE¼SE¼SW¼, and NW¼SW¼SE¼.

Twin Lakes Campground

T. 54 N., R. 87 W.,
Sec. 35, SW¼NE¼, SE¼SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, and N½N½NW¼SE¼.

Scojen Spring Highway Rest Area

T. 56 N., R. 87 W.,
Sec. 15, NW¼SW¼SE¼SW¼, SW¼NW¼SE¼SW¼, SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, except that portion now covered by PLO 2647 for U.S. 14 Roadside Zone.

Sand Turn Observation Point

T. 56 N., R. 87 W.,
Sec. 26, W½NE¼NW¼NW¼, E½NW¼NW¼NW¼, excepting that area withdrawn under PLO 2647 for U.S. 14 Roadside Zone.

Prune Creek Campground—Addition

T. 55 N., R. 88 W.,
Sec. 4, S½SE¼SW¼NW¼, except area included in PLO 2647 for U.S. 14 Roadside Zone.

Bighorn Baptist Youth Organization Camp—Addition

T. 55 N., R. 88 W.,
Sec. 4, S½SW¼NE¼, and E½NW¼SE¼.

Sibley Lake Camp and Picnic Grounds—Addition

T. 55 N., R. 88 W.,
Sec. 10, S½NW¼NE¼, E½SE¼NE¼NW¼, N½SW¼NE¼, and S½NW¼SE¼NE¼, except land withdrawn by PLO 2647 for U.S. 14 Roadside Zone.

Tie Flume Campground

T. 55 N., R. 88 W.,
Sec. 27, NE¼SW¼NW¼.

Owen Creek Campground—Addition

T. 55 N., R. 88 W.,
Sec. 31, NW¼NE¼NE¼ and NE¼NW¼NE¼.

North Tongue Campground—Addition

T. 56 N., R. 89 W.,
Sec. 35, E½SW¼SE¼SE¼.

The areas described aggregate 377.5 acres.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70–2802; Filed, Mar. 6, 1970; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S–499]

HENRY M. BROWN

Notice of Loan Application

FEBRUARY 27, 1970.

Henry M. Brown, 1215 Maybell Street, Sumner, Wash. 98390, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 25-foot length overall wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief, Division of Financial Assistance.

[F.R. Doc. 70–2792; Filed, Mar. 6, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5–B, Organization, as follows:

In the section on the Health Facilities Planning and Construction Service (2500), following the opening paragraph, delete the small section and insert the following four sections:

Office of the Director (3M01). (1) Plans, directs, coordinates, and evaluates the operations of the Health Facilities Planning and Construction Service;

(2) coordinates program relationships with other components of the Department, with other Federal agencies, with State and local agencies, and with national professional organizations; (3) provides program leadership to regional office staffs and coordinates provision of technical support and guidance to such staff; (4) advises the Administrator on policy matters affecting the programs of the Service; and (5) directs the development and reevaluation of regulatory, procedural, and other guide materials.

Office of Education and Training (3M12). (1) Plans, promotes, conducts, and evaluates orientation, training, and educational programs of personnel of the Service and of State agencies involved in related activities; (2) provides advice, guidance, and consultation within the Service and to related State programs on the development of educational programs in areas of inservice training and education, patient-family education, and educational methodology related to hospitals and other health facilities; and (3) provides reference facilities including the maintenance of book and periodical collections, interlibrary loan functions, bibliographic assistance, reference searching, and other library-type activities.

Office of Information (3M17). (1) Performs public relations, editorial, speech writing, and other informational functions; (2) supervises the development, editing, and preparation of publications, films, and visual aids; (3) prepares periodic reports on Service activities; (4) provides the principal contact with press, radio, television, and other mass media; (5) prepares news releases and special articles for newspapers, magazines, and professional journals; (6) facilitates the clearance of publications; (7) supervises the development and utilization of exhibits; (8) manages the distribution of publications and evaluates their utilization; (9) guides and assists the Service information specialists and/or technical writers; and (10) maintains liaison on informational matters with the Office of the Administrator and the Office of the Secretary and with public and private organizations, institutions, and agencies.

Office of Administrative Management (3M19). (1) Advises the Director and key staff on administrative management; (2) provides management and administrative services in the areas of contract, personnel management, security, committee management, forms management, mail and files, printing and duplication, property and supply, space, and travel; (3) provides program guidance and information to staff of the Administration's Office of Financial Management in the operation of a financial system for the Service, including program policy interpretation in budget formulation and execution, in preparation of Program Planning and Budgeting data, and in the financial management of grants; (4) provides administrative staff services for conferences and meetings; and (5) maintains liaison with the Office of the Administrator and the Office of the Secretary on administrative management matters.

Dated: March 2, 1970.

S. H. CLARKE,
Acting Deputy Assistant, Secretary for Administration.

[F.R. Doc. 70-2821; Filed, Mar. 6, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21470]

VANCE INTERNATIONAL AIRWAYS

Notice of Hearing Regarding Acquisition

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 1, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested parties are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 4, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70-2816; Filed, Mar. 6, 1970; 8:48 a.m.]

[Docket No. 21790]

WESTERN ALASKA AIRLINES, INC., AND ALASKA AIRCRAFT LEASING CO., INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 1, 1970, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 3, 1970.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 70-2817; Filed, Mar. 6, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DENTAL HYGIENISTS

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-682 DENTAL HYGIENIST

Geographic coverage: Norfolk and Newport News-Hampton, Va., SMSA's.

Effective date: First day of the first pay period beginning on or after March 8, 1970.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466	$8,650	$8,834
GS-5	8,030	8,236	8,442	8,648	8,854	9,060	9,266	9,472	9,678	9,884

[1] Corresponding statutory rates: GS-4—tenth; GS-5—tenth.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2807; Filed, Mar. 6, 1970; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the identical additional position of Deputy Special Assistant to the Sec-

retary (Public Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2810; Filed, Mar. 6, 1970; 8:47 a.m.]

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President for Financing.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2809; Filed, Mar. 6, 1970; 8:47 a.m.]

RARE BOOKBINDER AND RESTORER AND RARE MAP RESTORER, LIBRARY OF CONGRESS

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on February 4, 1970, for positions of Rare Bookbinder and Restorer and Rare Map Restorer, WB-4441-Journeyman, Library of Congress, Washington, D.C.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2815; Filed, Mar. 6, 1970; 8:48 a.m.]

SOIL CONSERVATION SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements for positions in the Soil Conservation Series, GS-457, should be superseded by revised requirements. The requirements, the duties of the positions and the reasons for the Commission's decision that the requirements are necessary are set forth below.

THE SOIL CONSERVATION SERIES, GS-457
(GRADES GS-5/15)

Minimum educational requirements. Candidates must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil conservation, or one of the closely related natural resource or agricultural fields, such as agronomy; forestry; wildlife biology; regional planning; agricultural education or agricultural engineering. The study must have included 30 semester hours in natural resources or agricultural fields including the equivalent of a 3-semester-hour course in soils.

B. A total of at least 30 semester hours of course work in one or more of the fields listed above in paragraph A, including the equivalent of 3-semester-hour course in soils, plus additional education or experience which, when combined with the 30 semester hours of course work, will total 4 years of education or 4 years of combined education and experience. The quality of such additional education or experience must have been sufficient to give the candidate professional knowledge equivalent to that normally acquired through the successful completion of a full 4-year course of study described in paragraph A.

Duties. Soil Conservationists perform professional work such as the following:

Advise and work with landowners to develop soil and water conservation plans for farms, ranches, housing developments, public buildings, airports, recreation areas, and other land uses.

Advise and work with officials of a soil and water conservation district to develop a comprehensive soil and water conservation program which serves a number of communities.

Advise and work with Government agencies or private groups to develop broad plans and recommendations for the orderly development of the natural resources in the area.

Coordinate broad rural development or multiple-purpose resource development projects.

Manage broad soil and water conservation programs.

Reasons for establishing requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional field of soil conservation. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has appropriate facilities available and a staff of trained instructors to provide expert guidance and evaluate progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2814; Filed, Mar. 6, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-210]

BROADCASTING OF INFORMATION CONCERNING LOTTERIES

Supplemental Declaratory Ruling

1. This case concerns a declaratory ruling of the Commission (14 FCC 2d 707) that certain proposed broadcasts about the New York State Lottery violate the applicable Federal statute and Commission rules. It comes before us now on remand from the U.S. Court of Appeals for the Second Circuit which affirmed our determination that the statute and rules apply to State sponsored lotteries, but also stated that petitioners were entitled to rulings as to whether specified broadcasts were proscribed. The New York State Broadcasters Association, Inc. v. United States of America, 414 F. 2d 990 (C.A. 2, 1969), cert. den., 38 U.S.L. Week 3285 (U.S. Feb. 3, 1970).

2. It would be appropriate to review briefly the background of this case before addressing ourselves to the court's mandate. On March 6, 1968, the New York State Broadcasters Association, Inc. (Broadcasters), and Metromedia, Inc. (Metromedia),[1] filed a request for a declaratory ruling that 18 U.S.C. section 1304 and the Commission's rules implementing the Federal statute, §§ 73.122 (AM), 73.292 (FM), and 73.656 (TV),[2] do not apply to advertisements or dissemination of information concerning the lottery operated by the State of New York. Also requested were specific rulings that administrative or other sanctions would not be imposed for the broadcast of ten enumerated types of programs, discussed infra.

3. On September 25, 1968, the Commission issued a declaratory ruling (14 FCC 2d 707). It set forth the view that the prohibitions of section 1304 and the Commission's rules apply to State sponsored lotteries. In addition, the Commission denoted general guidelines for determining the applicability of the lottery

[1] The State of New York filed a supporting statement with the Commission. The City of New York filed a separate request for a declaratory ruling.

[2] 18 U.S.C. section 1304 reads as follows:

Broadcasting lottery information.

Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or operating any such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes shall be fined not more than $1,000 or imprisoned not more than 1 year or both. Each day's broadcasting shall constitute a separate offense.

The applicable Commission rules, largely patterned on the statute, were recited in our previous ruling and need not be repeated again.

provisions to various broadcast situations. Thus, it observed inter alia that the statute is plainly directed at material which promotes lotteries[3] but would appear not to bar news reports broadcast in normal good faith coverage which are reasonably related to the audience's right and desire to be informed of the day-to-day happenings within the community. It declined, however, to rule point by point on petitioners' 10 specific requests.

4. Broadcasters and Metromedia filed a petition for review in the U.S. Court of Appeals for the Second Circuit pursuant to 47 U.S.C. section 402(a).[4] In its decision, the court affirmed the Commission's determination that the statute and rules apply to State sponsored lotteries. It held, however, that petitioners' requests for rulings on their specific requests were justified:

> * * * Petitioners complain about the order's lack of specificity as well as the Commission's failure to rule on a number of the requests made to it, as set forth on pages 992–994 supra. We think these concerns are to some extent justified. There have apparently never been any prosecutions for violations of section 1304, and we find no other judicial opinion explicitly interpreting the "information concerning" language of the statute. In view of this, and because of the great interest broadcasters have in not jeopardizing their licenses, we believe that the proper course is to set aside the Commission's declaratory ruling to allow it to reconsider petitioners' request in light of this opinion (414 F. 2d at 997–998).

5. The court enunciated guidelines for determining whether particular types of programs violate the provisions of the lottery statute and applicable Commission rules. It stated that the statute "is intended to reach only advertisements or information that directly promote a lottery" (414 F. 2d at 998), and that such promotions are prohibited even where "a lottery advertisement or announcement contains 'news' such as the amount a lottery realized for education" (414 F. 2d at 998). On the other hand, a bona fide news story or interview should not be barred even if the broadcast "has the incidental effect of promoting a lottery" (414 F. 2d at 998). The Court has not further defined "direct promotion of a lottery"; however, it gave the following examples of broadcasts which are precluded: A plea to buy tickets, information as to where, how and when to make a purchase, and list of winners. In our judgment, although not cited by the court as examples, specific information as to where, how and when winning tickets will be drawn as well as live broadcasts of the actual drawing similarly falls within the ambit of prohibited broadcasts. The statute also refers specifically to lists of prizes. In addition, of course, the statute is inapplicable to editorials, except where "the editorial format is used as a sham to avoid the prohibition on direct promotion of the lottery" (414 F. 2d at 999). These guidelines govern our disposition of petitioners' 10 separate requests, which we now consider as set forth by them.[5]

6. *Item 1.* "News reports (by aural or visual-and-aural means) of recent events about or relating to the lottery. The term 'news reports' is intended to include accounts suitable for inclusion as news in a newspaper, of events of current interest concerning the lottery or its operations, or that have some connection with the lottery. Attached as Appendix II are a number of articles and news items relating to the lottery that were published in newspapers. The material is included to exemplify material deemed newsworthy by newspaper publishers, and by this inquiry the Association and Metromedia seek to determine if such reports, articles and news items may be broadcast by radio and television stations."

The appendix referred to consists of 36 pages of reproductions of newspaper articles, ranging from feature stories about particular winners to long lists of winners, to articles about the effect of the lottery upon the support of education. We do not believe the court intended that we rule upon each article submitted to us, but it is practical to rule upon the primary types of articles. It would appear that a majority of the news items contained in Appendix II would be permissible under the lottery statute, since they are legitimate news stories appropriate to broadcasting. This includes the stories about the relationships of the lottery to education in New York (pp. II–9, II–33, II–34), human interest stories on winners (pp. II–1–2, II–24), and the story of a legislator's proposal to exempt lottery winnings from State taxes (p. II–9). However, it also appears that other items consist in whole or in part of material directly promoting the lottery. The items which fall into the prohibited category are as follows: Specific information as to where lottery tickets may be purchased (p. II–8, Levittown Tribune)[6] (as contrasted with general news items on policy changes by the State as to the running of the lottery (p. II–8)); specific information as to where winning tickets will be drawn (p. II–10, Latham Townsman, Greenwich Journal, p. II–30, Catskill Mail, last paragraph, p. II–35, White Plains Reporter Dispatch, last paragraph); long lists of winners and/or prizes (pp. II–14, II–15, II–18–21). Whatever may be the case with respect to newspapers, such time consuming listings are not ordinary broadcast journalism.

7. *Item 2.* "News reports (by aural and visual-and-aural means) about illegal lotteries or other illegal gambling (but not including information tending to aid or facilitate the planning or operation of an illegal lottery)."

Such news reports would not be barred.

8. *Item 3.* "Announcements (unpaid) of the places where lottery tickets may be purchased, where, how and when winning tickets will be drawn, the amounts of the prizes, and how the proceeds of the sales of lottery tickets are and will be distributed."

All of the above-described announcements, with the exception of those pertaining to the distribution of proceeds from lottery sales, directly promote a lottery and would therefore be prohibited. With respect to the stated exception, such announcements would not be barred if part of the licensee's good faith effort to inform the public but would be improper if coupled with a plea to buy tickets or other information which we have ruled directly promotes a lottery or if otherwise presented as a sham to promote the lottery.

9. *Item 4.* "Advertisements of the lottery." Advertisements of the usual promotional type would be barred. However, we are cognizant of the Supreme Court's decision in New York Times *v.* Sullivan, 376 U.S. 254, 256, that paid advertisements "on behalf of a movement whose objectives are matters of highest public interest and concern" are entitled to the protection of the First Amendment. Thus, if in any area the desirability of lotteries is an issue of public importance and concern, anyone may, without offending the lottery statute, purchase time over the air to make his views known. Of course, the provisions of the Fairness Doctrine would be applicable to the presentation of such an issue. See Cullman Broadcasting Co., 25 Pike & Fischer, R.R. 895 (1963).

10. *Item 5.* "Live broadcasts or simultaneous accounts of public events relating to the lottery (for example, the broadcast by television of the drawing of the winning lottery tickets by a prominent actress or by a government official, or the broadcast of a speech given by a public official such as the statement made by Joseph H. Murphy, New York State Commissioner of Taxation and Finance, before a U.S. Senate Committee, in which Commissioner Murphy described the operation of the lottery and its purpose and stated that banks in selling tickets for the lottery were rendering a public service)."

Live broadcasts of the drawing of winning lottery tickets would constitute the

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[3] The Commission defined promotional material as that which is intended to advertise, promote or encourage the successful conduct of a lottery. The court stated in its decision that this definition is broader than its construction of section 1304 "which is intended to reach only advertisements or information that directly promote a lottery" (414 F. 2d at 998).

[4] The State of New York filed a brief amicus curiae in support of the position of the petitioners. The City of New York was not a party to the appeal.

[5] The lottery prohibition is a criminal statute in title 18 of the United States Code and, as the Supreme Court held in Federal Communications Commission v. American Broadcasting Company, Inc., 347 U.S. 284 (1954), the authority of the Commission with respect to its application, is concurrent with that of the Department of Justice. In view of this, Commission action in this area is coordinated with the Department of Justice and this procedure has been followed with respect to this proceeding.

[6] The reference to particular newspapers has been used where more than one news item appears on a page and only the identified items are barred.

direct promotion of a lottery and are therefore prohibited. On the other hand, the broadcast of a speech by a public official such as the statement of Commissioner Murphy would not be banned.

11. *Item 6.* "Interviews with persons holding winning lottery tickets, relating, among other matters of general interest, to the number of tickets they purchased, their expectation of winning a prize, their reactions upon learning that they held winning tickets, and what they did or intend to do with the prize money."

Such interviews are permissible as part of the licensee's good faith judgment as to information serving the interests of its area. Of course, they would be improper if, instead of being such good faith efforts it becomes clear by their repetition that they are shams intended as promotional features.

12. *Item 7.* "Documentary programs on the lottery, including such material as (a) statements by and questioning of public officials, prominent citizens and religious leaders who favor or oppose the lottery, (b) descriptions (by aural and visual-and-aural means) of the way the lottery operates and the proceeds are used, and (c) reporting the results of opinion polls on the lottery."

Such documentary programs would not be barred.

13. *Item 8.* "Documentary programs exposing illegal lotteries, including such material as how and where they operate (and if it is the fact) the knowledge, indifference or participation of law enforcement officials, and showing effects of such illegal gambling on government, on the attitudes of the public, and on criminal conduct."

Such documentary programs would not be barred.

14. *Item 9.* "Editorial comment on the lottery, on its operation, on its purposes, on the promotion of the lottery and on the public officials who administer it."

Editorial comment on the lottery is not proscribed by the statute. Here again, however, the editorial format could not be used as a sham to avoid the prohibition on direct promotion of the lottery; the circumstances would have to show clearly and flagrantly such a sham before government intervention would be warranted.

15. *Item 10.* "Panel discussions on various aspects of the lottery, including those in which proponents and opponents, government officials who administer the lottery, and others may participate, and in which questions and comments may be received from a studio audience."

Such panel discussions would not be barred.

Adopted: February 26, 1970.

Released: March 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2806; Filed, Mar. 6, 1970; 8:47 a.m.]

[Docket No. 18807; FCC 70-223]

RADIO STATIONS KISN ET AL.

Order Instituting Inquiry

In the matter of inquiry into the operations of Radio Stations KISN, Vancouver, Wash.; KOIL and KOIL-FM, Omaha, Nebr.; and WIFE and WIFE-FM, Indianapolis, Ind.

1. The Commission has under consideration information which indicates that the captioned radio stations may have been operated in violation of the Communications Act of 1934, as amended, and the Commission's rules and policies, more particularly, sections 315 and 509 of the Communications Act; section 1304, title 18, U.S.C.; and §§ 73.120, 73.290 and 1.613 of the rules. The Commission also has under consideration information indicating that misrepresentations may have been made to the public by the licensees, their principals or employees, of one or more of the captioned stations in connection with broadcast announcements concerning contests conducted by the stations; that misrepresentations may have been made to the Commission by the licensees, their principals or employees, in connection with prior inquiries into the operations of the captioned stations, and that the licensees or their principals may otherwise have so conducted themselves as to raise questions as to their qualifications to remain licensees. [Star Broadcasting, Inc., is the licensee of KISN; Central States Broadcasting, Inc., is the licensee of KOIL and KOIL-FM, and Star Stations of Indiana, Inc., is the licensee of WIFE and WIFE-FM. The parent company of all the foregoing is Star Stations, Inc.]

2. *Therefore, it is ordered,* On the Commission's own motion, pursuant to sections 403 and 409(1) of the Communications Act of 1934, as amended, that an inquiry is hereby instituted to determine whether the licensees of the captioned stations, or any of them, their principals or employees or those of their parent company, have participated in violations of the Communications Act of 1934, as amended, or the Commission's rules or policies, in particular: sections 315 and 509 of the Communications Act; and section 1304, title 18, U.S.C., §§ 73.120, 73.290, and 1.613 of the rules; whether misrepresentations have been made to the public by the licensees, their principals or employees, particularly with respect to the broadcast of announcements concerning contests; whether misrepresentations were made to the Commission by the licensees, their principals or employees in connection with prior inquiries into the operations of the captioned stations; and whether the licensees or their principals have otherwise so conducted themselves as to raise questions as to their qualifications to remain licensees.

3. *It is further ordered,* That the inquiry shall be a nonpublic proceeding unless and until the Commission orders that public sessions be held after determining that the public interest would be served thereby. Such nonpublic proceedings are in accord with the Commission's practices in investigations of the nature indicated above.

4. *It is further ordered,* That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, for the purpose of this inquiry authority is hereby delegated to the Chief Hearing Examiner of the Commission to require by subpoena the production of books, papers, correspondence, memoranda, and other records deemed relevant to the inquiry; to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and to perform such other duties in connection therewith as may be necessary or appropriate to the compilation of a complete record concerning the subject matter of this inquiry.

5. *It is further ordered,* That the Chief Hearing Examiner is specifically authorized to designate a Commission Hearing Examiner to exercise the authority conferred by this order; and to require witnesses to testify and produce evidence under authority of, and in the manner provided in, section 409(1) of the Communications Act of 1934, as amended, when requested to do so by Commission Counsel.

6. *It is further ordered,* That the subpoena powers delegated by this order shall be exercised in accordance with §§ 1.331 through 1.340 of the Commission's rules. Motions to quash or limit subpoena shall be directed to the presiding examiner in accordance with § 1.334 of the rules. Applications for review of the presiding examiner's rulings on such motions may be filed with the Commission within ten (10) days after the issuance by the presiding examiner of such rulings.

7. *It is further ordered,* That the provisions of § 1.27 of the Communication's rules shall apply to the production of oral and documentary evidence under subpoena.

8. *It is further ordered,* That upon conclusion of the inquiry ordered herein, the presiding examiner shall certify the record thereof to the Commission for appropriate action.

Adopted: February 26, 1970.

Released: March 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2805; Filed, Mar. 6, 1970; 8:47 a.m.]

[Docket Nos. 18805, 18806; FCC 70-211]

WHCN, INC., AND COMMUNICOM MEDIA

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of WHCN, Inc. (WHCN(FM)), Hartford, Conn., Docket No. 18805, File No. BRH-24, for renewal of license, and Kenneth W. Sasso, W. Francis Pingree, and Lawrence H. Buck, doing business as Communicom Media, Berlin, Conn., Docket No. 18806, File No.

BPH-6806, Requests: 105.9 mcs, No. 290; 7 kw.; 758 feet, for construction permit.

1. The Commission has under consideration the above captioned and described applications—one for renewal of license for Station WHCN(FM) and one timely filed and mutually exclusive with it in that operation by the applicants as proposed would result in mutually destructive interference.

2. The balance sheet submitted for parent corporation Concert Network, Inc. (as at Nov. 30, 1968), filed with the application for renewal of the WHCN (FM) license showed that current liabilities and short-term debt ($58,450.20) exceeded current assets ($42,222.12) by $16,228.08. The corporation's deficit on that balance sheet was $1,323,869. In light of this information, which has not been updated by the licensee to reflect a more favorable financial posture, we are unable to conclude that the licensee is financially qualified to operate Station WHCN(FM) and an appropriate financial issue will be specified.

3. Communicom Media's estimate of $15,650 to construct and operate for 1 year without reliance on revenues appears unduly low since only $10,100 is budgeted for operation by a staff of five.[1] Moreover, applicant has not provided balance sheets to document the availability of two $12,000 partnership contributions on which it relies. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, neither applicant appears to have contacted a representative cross-section of the area nor adequately provided the comments regarding community problems obtained from such contacts. Likewise, neither has adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether either applicant is aware of and responsive to the needs of its area. Accordingly, Suburban issues are required.

5. The respective proposals, although for different communities, would serve substantial areas in common. In fact, the two sites are immediately adjacent and as a result the placement of the 3.16 mv/m and 1 mv/m contours differ only marginally. Under these circumstances, no purpose would be served by making a 307(b) comparison of the proposals. This proceeding will be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, ------ FCC 2d ------ FCC 70-62[8] (1970).

6. Except as indicated by the issues specified below, WHCN, Inc., is qualified to operate as proposed and Communicom Media is qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether WHCN, Inc., is financially qualified to operate Station WHCN(FM).

(2) To determine the reasonably anticipatable costs for construction and first-year operation of the Communicom Media proposal and whether it has this amount available from partnership contributions or otherwise to thus demonstrate its financial qualifications.

(3) To determine the efforts made by WHCN, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Communicom Media to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 26, 1970.

Released: March 4, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2804; Filed, Mar. 6, 1970; 8:47 a.m.]

[1] Ordinarily in cases such as this, we would not apply the standard set forth in Ultravision Broadcasting Co., 5 RR 2d 343 (1965). Rather we have applied our former standard which required an applicant to demonstrate that it had sufficient funds to construct and operate the proposed station for 3 months without revenues. Orange Nine, Inc., 9 RR 2d 1157 (1967). In this case, however, because of the low revenue figure shown for Station WHCN(FM), use of the Ultravision standard is appropriate.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

MARCH 3, 1970.

On March 15, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles from Poland to the United States. Under this agreement the Polish People's Republic has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. On February 25, 1970, the two Governments exchanged notes amending the bilateral agreement of March 15, 1967. Among the provisions of the amended agreement are those applying specific export limitations to Categories 19, 26 (including a sublimit on duck fabric), 28, 42, 43, 46, 53, 60, and 62, for the first amended agreement year beginning March 1, 1970.

There is published below a letter of February 28, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on March 1, 1970, and extending through February 28, 1971, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[2] Commissioner Robert E. Lee concurring in the result.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 28, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 1, 1970, and for the 12-month period extending through February 28, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following 12-month levels of restraint:

Category		*12-month level of restraint*
19	sq. yards	1,000,000
26	do[1]	1,200,000
28	pieces	275,000
42	dozen	30,000
43	do	60,000
46	do	5,000
53	do	3,000
60	do	15,628
62	pounds	170,000

[1] Of this amount, not more than 150,000 square yards may be in duck, T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland and which have been exported to the United States from Poland prior to March 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1969, through February 28, 1970. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and Poland which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Comomnwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-2795; Filed, Mar. 6, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7526]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Application

MARCH 5, 1970.

Take notice that on March 2, 1970, Public Service Company of Indiana, Inc. (applicant), of Plainfield, Ind., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $60 million in unsecured promissory notes to commercial banks and to commercial paper dealers.

The promissory notes to be issued by the applicant to commercial banks will be issued on various days prior to June 30, 1971, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate of the banks in effect from time to time.

The promissory notes issued to commercial paper dealers will be issued on various days prior to June 30, 1971, but no note will mature more than 9 months after date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed $25 million, an amount which is less than 25 percent of applicant's gross revenues during the 12 months of applicant's operations ending December 31, 1969.

The proceeds from the issuance of the notes will be used, among other things, to finance in part the applicant's construction program through 1972. Applicant estimates that construction expenditures through 1972 will total about $180 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2859; Filed, Mar. 6, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4843]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

MARCH 2, 1970.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of _____ percent debentures, series due April 1995. The interest rate of the debentures (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture between Columbia and Morgan Guaranty Trust Company of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 14th Supplemental Indenture to be dated as of April 1, 1970. Columbia will not have the right to redeem any of the debentures prior to April 1, 1975, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and together with

funds then available and funds to be generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1970 construction program, estimated at $200 million.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than March 23, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-2800; Filed, Mar. 6, 1970; 8:47 a.m.]

[812-2673]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT C OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Application for Exemptions

MARCH 2, 1970.

Notice is hereby given that the Equitable Life Assurance Society of the United States ("Equitable"), a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of Equitable ("Account C"), 1285 Avenue of the Americas, New York, N.Y. 10019, (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption to the extent noted below from the provisions of sections 17(f) and 22(d) of the Act and Rule 17f-2 thereunder. Equitable established Account C on March 20, 1969, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for certain annuity contracts ("Contracts") issued by Equitable. The Contracts are designed to provide monthly variable annuity payments, normally commencing 1 month from the date of purchase. Account C is an open-end, diversified management investment company registered under the Act. All interested persons are referred to the application as amended on file with the Commission for a statement of the representations therein which are summarized below.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank or other company whose facilities are supervised by Federal or State authorities, and that access to the securities be limited to certain specified persons. The application states that the vault maintained by Equitable is comparable to the vaults in most banks and that Equitable keeps therein securities and other investments of a value in excess of $5 billion. Furthermore, as required by Equitable's bylaws, the finance committee of the board of directors has prescribed rules and requirements to govern the custody, safekeeping and control of all securities owned or held by the Equitable. In this connection, Equitable is subject to extensive supervision and regulation by the Insurance Department of the State of New York which conducts periodic examinations of the functions, physical facilities and all other aspects of Equitable's business. Accordingly, applicants request exemption from the provisions of section 17(f) and Rule 17f-2, (i) to permit custody of the securities and other investments of Account C to be held by Equitable in Equitable's own vault, except for such securities and investments as may be kept in the custody of a bank having the qualifications described in section 26(a)(1) of the Act and (ii) to permit representatives of State Insurance Departments and such persons as are authorized by the finance committee of Equitable's board of directors to have access to the vault and to securities and other investments therein of Account C.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis. Deductions for expenses incurred in performing sales and administrative functions relative to the Contracts and Account C will be made by Equitable from the purchase payment when received. Deductions for sales expenses will equal 5.5 percent of such payment and for administrative expenses will equal 2 percent of the first $5,000 of such payment, except that when a Contract is purchased under an insurance policy or annuity contract issued by the Equitable, the deductions for sales expenses will equal 2.665 percent of the single payment and for administrative expenses will equal 2.06 percent of the first $5,000 of such payment. The application states that the variation in the percentage rate of deduction will not arbitrarily or unfairly discriminate between different categories of investors. The reduced rate of deductions for sales expenses would be available only when a Contract is purchased under an insurance policy or annuity contract issued by Equitable. Such policies and contracts have previously been subjected to sales charges and Equitable will realize substantial savings in sales costs when Contracts are purchased pursuant thereto because no direct sales expenses will be incurred. Applicants consider that the imposition of a full sales load on a Contract purchased under such a policy or contract would be unwarranted and not in the public interest or consistent with protection of investors. Applicants request that an exemption from the provisions of section 22(d) be granted so that the Contracts may be offered and sold as proposed.

Section 6(c) authorizes the Commission to exempt any persons, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 18, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon

said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-2799; Filed, Mar. 6, 1970; 8:47 a.m.]

[812-2705]

MICHIGAN TAX EXEMPT BOND FUND (SECOND AND SUBSEQUENT SERIES)

Notice of Filing of Application for Order of Exemption

MARCH 2, 1970.

Notice is hereby given that Michigan Tax Exempt Bond Fund ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant includes second and all subsequent series named "Michigan Tax Exempt Bond Fund." Each series will be governed by a trust agreement under which Goodbody & Co. and First of Michigan Corp. will act as sponsors and the U.S. Trust Company of New York as Trustee. The trust agreement for each series will contain "Standard Terms and Conditions of Trust" common to all series. Pursuant to each such trust agreement, the sponsors will deposit with the trustee between $3 million and $6 million principal amount of bonds for each series which the sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the trustee registered certificates for between 3,000 and 6,000 units which will represent the entire ownership of a series. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 with respect to second series has been filed which has not yet become effective. The trust agreement does not proivde for the issuance of additional units. The proceeds of bonds which may be sold, redeemed, or which mature will be distributed to unit holders.

Units in each series will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unitholders of the particular series, or, in the event that the value of the bonds shall fall below 40 percent of the principal amount of that series, upon direction of the sponsors to the trustee. In connection with the requested exemption, the sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration of a series under the Securities Act becomes effective, the net worth of that series shall be reduced to less than $100,000 or if the series is terminated. The sponsors will instruct the trustee on the date the bonds are deposited that if the series shall at any time have a net worth of less than 40 percent of the principal amount of bonds in the series, as a result of redemption by the sponsors of units constituting a part of the unsold units, the trustee shall terminate the series in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein. The sponsors have agreed to refund any sales load to any purchaser of units purchased from the sponsors or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the sponsors' intention to maintain a market for the units of each series and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than March 20, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-2796; Filed, Mar. 6, 1970; 8:47 a.m.]

[812-2599]

SENTINEL INCOME FUND, INC., AND EQUITY SERVICES, INC.

Notice of Filing of Application for Order of Exemption

MARCH 2, 1970.

Notice is hereby given that Sentinel Income Fund, Inc. ("Fund"), an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Equity Services, Inc. ("Equity"), National Life Drive, Montpelier, Vt., the distributor of the Fund's shares, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) to permit the shares of the Fund to be sold without any sales charge to National Life Insurance Co. ("National") and its direct and indirect subsidiaries whose efforts are related to the insurance and financial operation of National, and such other persons as are more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund was organized by National. Three subsidiaries of National serve the Fund: National Life Investment Management Co., Inc. ("Management"), provides investment advice; Equity, a broker-dealer, serves as distributor of the shares of the Fund; and Administrative Services, Inc. ("Administrative"), performs administrative functions in connection with the distribution of either life insurance products or mutual funds, or both. Shares of the Fund are currently sold primarily through registered representatives who are also licensed with National for the sale of insurance policies.

Shares of the Fund will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. An exemption from section 22(d) is sought to permit shares of Fund to be sold to the following persons without sales charges:

(1) The directors, officers and the bona-fide full-time employees, of National or its directly or indirectly wholly owned subsidiaries whose efforts are related to the insurance and financial operations of National, and to officers and employees retired under a benefit plan of National or its subsidiaries,

(2) The full-time life insurance agents of National,

(3) The bona-fide full-time employees of general agents,

(4) Any trust, pension, profit-sharing, deferred compensation, stock purchase or savings or other benefit plan for such persons, and

(5) National and its wholly owned subsidiaries whose efforts are related to the insurance and financial operations of National.

Such sales will be made pursuant to a uniform offer described in the prospectus of the Fund and will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be sold except through redemption or repurchase by or on behalf of the issuer.

No sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought in order that such sales may be made without the imposition of any sales charges.

Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Fund and Equity represent that the granting of the requested exemption will not disrupt the orderly distribution of the shares involved nor will it unfairly discriminate against investors, and that the exemption would be in keeping with the policies found in the Act and regulations which favor granting benefits to employees.

Fund and Equity also agree that if, in the future, the Securities and Exchange Commission amends Rule 22d–1 of the general rules and regulations under the Act to change the circumstances under which sales charges may be reduced or eliminated in a manner more restrictive than the circumstances permitted by any order granted as a result of this application, then on the effective date of such amendment the exemptions granted by such order shall be automatically terminated and the rule, as amended, shall apply, provided Fund and Equity are furnished by mail with twenty (20) days notice of the effective date of such rule.

Notice is further given that any interested person may, not later than March 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–2797; Filed, Mar. 6, 1970; 8:47 a.m.]

[812–2600]

SENTINEL GROWTH FUND, INC., AND EQUITY SERVICES, INC.

Notice of Filing of Application for Order of Exemption

MARCH 2, 1970.

Notice is hereby given that Sentinel Growth Fund, Inc. ("Fund"), National Life Drive, Montpelier, Vt., an open-end investment company registered under the Investment Company Act of 1940 ("Act") and Equity Services, Inc. ("Equity"), the distributor of the Fund's shares, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 22(d) to permit the shares of the Fund to be sold without any sales charge to National Life Insurance Co. ("National") and its direct and indirect subsidiaries whose efforts are related to the insurance and financial operation of National, and such other persons as are more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund was organized by National. Three subsidiaries of National serve the Fund: National Life Investment Management Co., Inc. ("Management"), provides investment advice; Equity, a broker-dealer, serves as distributor of the shares of the Fund; and Administrative Services, Inc. ("Administrative"), performs administrative functions in connection with the distribution of either life insurance products or mutual funds, or both. Shares of the Fund are currently sold primarily through registered representatives who are also licensed with National for the sale of insurance policies.

Shares of the Fund will ordinarily be offered to the general public at a public offering price which is the net asset value per share at the time of purchase plus a maximum sales charge of 8 percent of the public offering price, reduced on a graduated scale for sales involving larger amounts.

Section 22(d) provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. An exemption from section 22(d) is sought to permit shares of Fund to be sold to the following persons without sales charges:

(1) The directors, officers and the bona-fide full-time employees, of National or its directly or indirectly wholly owned subsidiaries whose efforts are related to the insurance and financial operations of National, and to officers and employees retired under a benefit plan of National or its subsidiaries,

(2) The full-time life insurance agents of National,

(3) The bona-fide full-time employees of general agents,

(4) Any trust, pension, profit-sharing, deferred compensation, stock purchase or savings or other benefit plan for such persons and

(5) National and its wholly owned subsidiaries whose efforts are related to the insurance and financial operations of National.

Such sales will be made pursuant to a uniform offer described in the prospectus of the Fund and will be made only upon the written assurance of the purchaser that the purchase is made for investment puropses and that the securities will not be sold except through redemption or repurchase by or on behalf of the issuer.

No sales expense will be incurred in the sales of shares for which exemption from the provisions of section 22(d) is sought in order that such sales may be made without the imposition of any sales charges.

Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions

of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Fund and Equity represent that the granting of the requested exemption will not disrupt the orderly distribution of the shares involved nor will it unfairly discriminate against investors, and that the exemption would be in keeping with the policies found in the Act and regulations which favor granting benefits to employees.

Fund and Equity also agree that if, in the future, the Securities and Exchange Commission amends Rule 22d–1 of the general rules and regulations under the Act to change the circumstances under which sales charges may be reduced or eliminated in a manner more restrictive than the circumstances permitted by any order granted as a result of this application, then on the effective date of such amendment the exemptions granted by such order shall be automatically terminated and the rule, as amended, shall apply, provided Fund and Equity are furnished by mail with twenty (20) days notice of the effective date of such rule.

Notice is further given that any interested person may, not later than March 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–2798; Filed, Mar. 6, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 503]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71851. By order of February 25, 1970, the Motor Carrier Board approved the transfer to Triangle Transportation, Inc., Clementon, N.J., of the operating rights in certificate No. MC–66960 issued March 6, 1941, to LeRoy Paxson, doing business as Paxson's Express, 2069 East Dauphia Street, Philadelphia, Pa. 19125, authorizing the transportation of ink and ink materials, sweeping compounds, empty cans, burlap bags, Christmas moss, imitation earth, sand, and sawdust, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points and places in New Jersey. Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for transferee.

No. MC–FC–71895. By order of February 26, 1970, the Motor Carrier Board approved the transfer to Fogg's Daily Service, a corporation, Bridgeton, N.J., of certificates Nos. MC–109098 and MC–109098 (Sub-No. 1) issued March 23, 1949, and July 29, 1969, respectively, to C. Herbert Fogg, Jr., doing business as Fogg's Daily Service, Bridgeton, N.J., authorizing the transportation of general commodities (except motion picture films, frozen foods, newspapers, and magazines) moving in special messenger or express, between Philadelphia, Pa., and Bridgeton, N.J., serving the intermediate points of Millville, Glassboro, and Mantua, N.J., and the off-route point of Vineland, N.J.; and general commodities, with the usual exceptions, between Philadelphia International Airport and Northeast Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Salem, Cumberland, and Atlantic Counties, N.J. Allan H. Harbert, 85 West Broad Street, Bridgeton, N.J. 08302, attorney for applicants.

No. MC–FC–71909. By order of February 25, 1970, the Motor Carrier Board approved the transfer to Elmer Carlson, Byron, Ill., of certificates Nos. MC–117730 (Sub-No. 7), MC–117730 (Sub-No. 9), and MC–117730 (Sub-No. 11) issued July 8, 1964, July 21, 1966, and April 30, 1969, to Koubenec Motor Service, Inc., Batavia, Ill., authorizing the transportation of: Sand, in bulk, and in bags, from Oregon, Ill., to specified points in Iowa and Wisconsin. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603; Angelo N. Gaziana, 412 Elm Street, Rockford, Ill. 61101; attorneys for applicants.

No. MC–FC–71934. By order of February 26, 1970, the Motor Carrier Board approved the transfer to Refrigerated Trucking Sevice, Inc., Buffalo, N.Y., of that portion of the certificate of registration in No. MC–121313 (Sub-No. 1) issued December 9, 1963, to Distribution Truck Lines, Inc., Tonawanda, N.Y., which relates to that portion of certificate No. 2103 dated January 30, 1962, issued by the New York Public Service Commission authorizing the transportation of refrigerated products, from Buffalo, N.Y., to points in Chautauqua, Erie, Monroe, and Niagara Counties, N.Y. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC–FC–71935. By order of February 25, 1970, the Motor Carrier Board approved the transfer to Georges Messenger & Moving Service, Inc., Hempstead, N.Y., of certificate No. MC–94874, issued March 25, 1968, to Elizabeth M. Guineer, Hempstead, N.Y., authorizing the transportation of: Household goods, between points in Nassau County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Gilbert Henoch, 320 Fulton Avenue, Hempstead, N.Y. 11550, attorney for applicants.

No. MC–FC–71938. By order of February 26, 1970, the Motor Carrier Board approved the transfer to Allied Air Freight Corp., Burlington, Vt., of certificate of registration No. MC–97240 (Sub-No. 2) issued March 11, 1965, to William R. Babineau, Inc., Burlington, Vt., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized by motor carrier certificate No. 2411, dated August 10, 1948, as currently embraced in motor carrier certificate No. 2995, dated May 13, 1963, issued by the Public Service Commission of the State of Vermont; and of the operating rights in certificate No. MC–97240 (Sub-No. 4) issued February 25, 1966, to William R. Babineau, Inc., Burlington, Vt., authorizing the transportation, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Burlington, Vt., and Swanton, Vt., and between Burlington, Vt., and junction Vermont Highway 127 and combined U.S. Highways 7 and 2, serving all intermediate points and specified off-route points. Francis E. Barrett, 60 Adams Street, Milton, Mass. 02187, attorney for applicants.

No. MC-FC-71949. By order entered February 25, 1970, the Motor Carrier Board approved the transfer to Machise Interstate Transportation Co., a corporation, Vineland, N.J., of certificate No. MC-123391, issued May 9, 1961, to Nicholas Tuso, Jr., doing business as Inter-State Transportation Co., Vineland, N.J., authorizing the transportation of: Petroleum products, in bulk, in tank trucks, from and to points as specified in Pennsylvania, New Jersey and Delaware. Wilmer A. Hill, 666 11th Street NW., Washington, D.C. 20001, attorney for applicants.

No. MC-FC-71950. By order of February 25, 1970, the Motor Carrier Board approved the transfer to J & B Trucking Co., Inc., Vernon, Calif., of certificate No. MC-65115, issued September 13, 1966, to William C. Branam and Joe E. Sutton, a partnership, doing business as J & B Trucking Co., Vernon, Calif., authorizing the transportation of: Agricultural commodities from points in Los Angeles and Orange Counties, Calif., to Los Angeles, Calif.; commercial fertilizer from Los Angeles Harbor, Calif., to points in Los Angeles and Riverside Counties, Calif.; general commodities, with usual exceptions, between Los Angeles, Calif., and Los Angeles Harbor, Calif.; and bananas from points in Los Angeles, Calif., Harbor Commercial Zone to Colton and San Diego, Calif. LeRoy R. Davis, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC-FC-71954—[1] Corrected. By order of February 16, 1970, the Motor Carrier Board approved the transfer to Meat Packers Express, Inc., Omaha, Nebr., of permit No. MC-119317 and numerous subs thereunder, issued to Gross & Sons Transportation Co., Omaha, Nebr., authorizing the transportation of commodities primarily, dairy products, such as ice cream, frozen confections, etc., between points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, Tennessee, Texas, Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferee; Sam Caniglia, 330 City National Bank Building, Omaha, Nebr. 68114, attorney for transferor.

[1] Corrected to show the rights being transferred are Contract in lieu of Common.

The effective date of the order and time for filing petition remains the same as reflected by order served Feb. 25, 1970.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2819; Filed, Mar. 6, 1970; 8:48 a.m.]

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